

STATE PERSONNEL BOARD CALENDAR



APRIL 18, 2006

SACRAMENTO

State of California

Memorandum

DATE: April 7, 2006

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the **April 18, 2006**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on April 18, 2006, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the April 18, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

A handwritten signature in black ink, appearing to read 'Karen Yu', with a horizontal line extending to the right.

Karen Yu
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

MID MONTH BOARD MEETING – APRIL 18, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

MID MONTH BOARD MEETING AGENDA³

APRIL 18, 2006

9:00 a.m. – 10:30 a.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

1. **ROLL CALL**
2. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
3. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
4. **NEW BUSINESS**

Items may be raised by Board Members for scheduling and discussion for future meetings.

5. **REPORT ON LEGISLATION – Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(9:30 a.m. – 10:00 a.m.)

6. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. – Onwards)

11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF MAY 2, 2006, IN LOS ANGELES, CALIFORNIA

BOARD ACTIONS:

12. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF MARCH 21, 2006**
13. **EVIDENTIARY CASES - (See Case Listings on Page 9–14)**
14. **RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Agenda on Page 19–20)**
15. **NON-EVIDENTIARY CASES - (See Case Listings on Page 14–17)**
16. **NON-HEARING CALENDAR**

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. **BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**PROPOSED REVISIONS TO THE DEPUTY ATTORNEY GENERAL
SERIES SPECIFICATION**

The Department of Justice proposes the following: the establishment of a new classification titled Supervising Deputy Attorney General, with a twelve-month probationary period in the series specification of Deputy Attorney General; revisions of the minimum qualifications for the Deputy Attorney General deep class and Deputy Attorney General IV; and other minor revisions to the Deputy Attorney General series specification.

PROPOSED AMENDMENTS TO ALTERNATE RANGES 11 AND 47

The California Department of Corrections and Rehabilitation's Division of Juvenile Justice (CDCR DJJ) proposes to amend Alternate Ranges 11 and 47 to include a new salary range necessary to compensate affected teachers and vocational instructors at CDCR DJJ high schools. Also, CDCR proposes to add Footnote 21, which designates a class as an exception to State Personnel Board Rule 431, to the teacher classes used in the Juvenile Justice High Schools within CDCR.

FRAUD INVESTIGATOR, BUREAU OF STATE AUDITS

The Bureau of State Audits (BSA) proposes the following revisions to the Fraud Investigator, BSA Series Specification: establishment of the Fraud Investigator III, BSA classification within the series, with a 12 month probationary period; revisions to the class specification and title change of the Fraud Investigator, BSA to Fraud Investigator I, BSA; and revisions to the class specification and title change of the Supervising Fraud Investigator, BSA to Fraud Investigator II, BSA.

AUDITOR, BUREAU OF STATE AUDITS

The Bureau of State Audits (BSA) proposes establishing the following classes within the Auditor, BSA Series Specification, each with a twelve month probationary period: Senior Auditor Evaluator I, BSA; Senior Auditor Evaluator II, BSA; and Senior Auditor Evaluator III, BSA. Additionally the BSA proposes the following changes to the class series: footnote 24 be applied to the class of Senior Auditor Evaluator, BSA to prevent future appointments to the class, and to abolish the class when it becomes vacant; and revisions to the class specification for the class of Principal Auditor, BSA.

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE
PERSONNEL BOARD**

propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes.

Title	Class Code
Manager of Program Services Veterans Home and Medical Center	8285
Manger of Support Services Veterans Home and Medical Center	4750
Veterans Educational Representative	9970
Telephone Operator Switchboard for the Blind	1636
Field Agent Wildlife Conservation Board	950
Market Data Compiler	221
Marketing Specialist	542

*****Correction*****

On the March 21, 2006 Board Calendar Agenda, the class codes for the following two classifications proposed to be abolished were incorrectly listed, however the correct class titles and class codes were included in the text of the proposed Board Item itself. As a point of clarification the correct class titles and class codes are re-listed below.

Title	Class Code
Chief Division of Corporate Filing and Services	6009
Division Chief, Secretary of State's Office	5339

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF COUNSEL

The Franchise Tax Board proposes to allocate the above position to the CEA category. The Chief Counsel, Franchise Tax Board is responsible for formulating, recommending and implementing departmental legal policies with respect to the California Personal Income Tax Law, Band and Corporate Tax Law, Taxpayer Bill of Rights, Homeowner's and Renter's Assistance Law, Political Reform Audit Law, Automated Child Support Collection Legislation.

ASSISTANT CHIEF DEPUTY DIRECTOR

The Department of Alcoholic Beverage Control proposes to allocate the above position to the CEA category. The Assistant Chief Deputy Director is responsible for day-to-day operations of the department in accomplishing its mission to administer the provisions of the Alcoholic Beverage Control Act.

CHIEF, OPERATIONS

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Chief, Operations will provide direction, oversight and policy direction to the department's major, statewide, mission critical core programs within five departmental divisions.

PROJECT DIRECTOR, BUSINESS INFORMATION SYSTEM

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Project Director, Business Information System will be the principal policymaker with regards to the Enterprise Resource Planning (ERP) Solution implementation, and will provide on-going support and maintenance.

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B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

CHIEF, ADMINISTRATION, OFFICE OF HOMELAND SECURITY

The Office of Homeland Security's proposal to allocate the above position to the CEA category has been disapproved effective March 13, 2006.

CHIEF, OFFICE OF ENFORCEMENT

The State Water Resources Control Board's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

DEPUTY DIRECTOR, POLICY AND PLANNING DIVISION

The Department of Technology Services request to allocate the above position to the CEA category has been approved effective March 28, 2006.

CHIEF, PREVENTION AND EARLY INTERVENTION

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

CHIEF, COUNTY SUPPORT BRANCH

The Department of Mental Health's request to allocate the above position to the CEA category has been approved effective March 28, 2006.

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

22. BOARD ACTIONS ON SUBMITTED ITEMS – (See Agenda on Page 18)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

A D J O U R N M E N T

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) RICK OCHOA, CASE NO. 04-2373BA

Appeal for determination of back salary, benefits, and interest

Classification: Youth Correctional Officer

Department: Department of the Youth Authority

(2) ERNEST PITMAN, CASE NO. 05-1591A

Appeal from dismissal

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

(3) RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal

Classification: Caltrans Maintenance Supervisor

Department: Department of Transportation

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) PAUL CHATHAM, CASE NO. 05-1287**
SARAH WIRTH, CASE NO. 05-1599
Appeal from five percent reduction in salary for six months and two workdays suspension
Classification: Correctional Lieutenant and Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (2) KATHRYN HASSETT, CASE NO. 03-3379**
RICHARD READEL, CASE NO. 03-3623
Appeal from one-week suspension and demotion
Classification: Deputy Director and Social Services Program Administrator
Department: Merced County Human Services
- (3) STEVEN HOLLADAY, CASE NO. 04-2468**
Appeal from dismissal
Classification: Correctional officer
Department: Department of Corrections and Rehabilitation
- (4) BONNIE MASSEY, CASE NO. 02-1940E & 02-2838E**
Appeal from whistleblower retaliation complaint & reasonable accommodation
Classification: Associate Governmental Program Analyst
Department: Department of Corrections and Rehabilitation
- (5) BART MCLAUGHLIN, CASE NO. 05-2680**
Appeal from demotion
Classification: Psychiatric Technician
Department: Department of Developmental Services

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- (6) **VLADISLAV MIKULICH, CASE NO. 06-0625**
Appeal from formal reprimand
Classification: Workers Compensation Claims Adjuster
Department: State Compensation Insurance Fund
- (7) **RANDY PEREGRINO CASE NO. 05-3092**
Appeal from dismissal
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles
- (8) **JAGVINDER SINGH, CASE NO. 04-1492E & 04-1541E**
Appeal from discrimination/retaliation
Classification: Physician and Surgeon, Correctional Facility
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **ROBERT BROWNLEE, CASE NO. 05-0154P**
STEVEN POTTER, CASE NO. 05-0197P
Appeals from dismissal
Classification: Officer
Department: Department of California Highway Patrol
- (2) **SHANE MEE, CASE NO.04-2474PA**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation

- (3) **SHANE MEE, CASE NO. 04-2474P**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **TROY ALLEN, CASE NO. 05-2150A**
Appeal from dismissal
Classification: Caltrans Equipment Operator II
Department: Department of Transportation

Proposed decision rejected February 7, 2006
Transcript prepared
Pending oral argument May 2-3, 2006, Los Angeles
Oral argument continued
Pending oral argument June 6-7, 2006, Sacramento
- (2) **DANNY BROWN, CASE NO. 05-2209A**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected April 4, 2006
Pending transcript
- (3) **PRECILLA CALAUNAN, CASE NO. 05-1737RPA**
Appeal from dismissal
Classification: Psychiatric Technician Assistant
Department: Department of Developmental Services

Petition for Rehearing granted March 8, 2006
Pending transcript

- (4) **ALEJANDRO GILL, CASE NO. 05-0054RA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006
Transcript prepared
Pending oral argument May 2-3, 2006, Los Angeles

- (5) **RAYMOND GURULE, CASE NO. 05-1351A**
Appeal from dismissal
Classification: Youth Correctional Officer
Department: Department of the Youth Authority

Proposed decision rejected April 4, 2006
Pending transcript

- (6) **JUDY JOHNSON, CASE NO. 05-1367A**
Appeal from automatic resignation
Classification: Motor Vehicle Field Representative
Department: Department of Motor Vehicles

Proposed decision rejected February 21, 2006
Transcript prepared
Pending oral argument May 2-3, 2006, Los Angeles

- (7) **LEE KENDRICK, CASE NO. 04-1620PA**
Appeal from dismissal
Classification: Transportation Surveyor
Department: Department of Transportation

Petition for Rehearing granted April 4, 2006
Pending transcript

- (8) **EDUARDO PEREZ, CASE NO. 05-0763A**
Appeal from five percent reduction in salary for six months
Classification: Parole Agent I (Adult Parole)
Department: Department of Corrections

Proposed decision rejected November 1, 2005
Transcript prepared
Pending oral argument February 7-8, 2006, Los Angeles
Oral argument continued
Pending oral argument May 2-3, 2006, Los Angeles

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- (9) **RAYMOND SLEDGE, CASE NO. 04-2809PA**
Appeal from dismissal
Classification: Youth Correctional Counselor
Department: Department of the Youth Authority

Petition for Rehearing granted March 8, 2006
Pending transcript

- (10) **JAMES STEED, CASE NO. 05-0207PA**
Appeal from constructive medical suspension
Classification: Facility Captain
Department: Department of Corrections and Rehabilitation

Petition for Rehearing granted March 8, 2006
Pending transcript

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **ALLEN LAMA, CASE NO. 05-0658**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and negative law enforcement contacts.
- (2) **RENEE LUPO, CASE NO. 05-0700**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability and omitted pertinent information.

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- (3) **DESIREE SMITH, CASE NO. 05-0281**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability for peace officer position due to conflict of interest concerns.
- (4) **DUSTIN SUMPTER, CASE NO. 05-1153**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability and a negative employment record.
- (5) **PERCY WASHINGTON, CASE NO. 05-0273**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information during selection process and negative driving record and negative law enforcement contact.
- (6) **RICHARD WATERS, CASE NO. 04-1585**
Classification: Accounting Administrator II
Department: Public Employees Retirement System
Issue: Whether appellant was properly withheld for not meeting the minimum qualifications.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

- (1) **RITA DEERING, CASE NO. 05-1339**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Appellant psychologically disqualified from employment as a Correctional Officer.
- (2) **ANTHONY HARDIN, CASE NO. 05-0781**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Appellant psychologically disqualified from employment as a Correctional Officer.
- (3) **STEVEN MILLER, CASE NO. 05-0684**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Appellant psychologically disqualified from employment as a Correctional Officer.

- (4) **NELSON MORGADO, CASE NO. 05-0576**
Classification: CHP Traffic Officer Cadet
Department: Department of California Highway Patrol
Issue: Appellant medically disqualified from employment as a CHP Officer.

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211 APPEALS

- (1) **DON SENNER, CASE NO. 05-2963**
Classification: Correctional Sergeant
Department: State Personnel Board
Issue: Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.
- (2) **CAROL SMITH, CASE NO. 05-2839**
Classification: Office Technician (Typing)
Department: State Personnel Board
Issue: Pursuant to Rule 211, the appellant is requesting approval from the SPB's Executive Officer to take a state examination after having been dismissed from state service.

RULE 212 OUT OF CLASS APPEALS

(3) HECTOR MARTINEZ, CASE NO. 04-2705

Classification: Associate Information Systems Analyst (Specialist)

Department: General Services

Issue: Pursuant to Rule 212, the appellant is requesting approval for an out-of-class exemption for his experience to be applied to his MQ's required for the DGS AISA examination.

VOIDED APPOINTMENT APPEALS

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

(1) FRANKIE GEORGE, CASE NO. 05-0400

Classification: N/A – Member of the Public

Department: Department of Corrections and Rehabilitation

Issue: The charging party request charges are filed against the charged party for violations of various subsections of Government Code section 19572.

(2) MONICA GLENN, CASE NO. 05-0398

Classification: Correctional Officer

Department: Department Corrections and Rehabilitation

Issue: The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code section 19572.

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

7. ERNEST PITMAN, CASE NO. 05-1591A

Appeal from dismissal. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument held March 8, 2006.)

8. RICHARD QUADRELLI, CASE NO. 05-1039A

Appeal from dismissal. Caltrans Maintenance Supervisor. Department of Transportation. (Oral argument held March 8, 2006.)

9. RICK OCHOA, CASE NO. 04-2373B

Appeal for determination of back salary, benefits and interest. Youth Correctional Officer. Department of the Youth Authority. (Oral argument held April 4, 2006.)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



1

(Cal. 04/18/06)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.


Sherry Hicks
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD DATE APRIL 18, 2006

(Cal. 04/18/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

The staff has evaluated these items and recommend the following actions be taken:

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

PROPOSED REVISIONS TO THE DEPUTY ATTORNEY GENERAL SERIES SPECIFICATION

Page

202

The Department of Justice proposes the following: the establishment of a new classification titled Supervising Deputy Attorney General, with a twelve-month probationary period in the series specification of Deputy Attorney General; revisions of the minimum qualifications for the Deputy Attorney General deep class and Deputy Attorney General IV; and other minor revisions to the Deputy Attorney General series specification.

PROPOSED AMENDMENTS TO ALTERNATE RANGES 11 AND 47

217

The California Department of Corrections and Rehabilitation's Division of Juvenile Justice (CDCR DJJ) proposes to amend Alternate Ranges 11 and 47 to include a new salary range necessary to compensate affected teachers and vocational instructors at CDCR DJJ high schools. Also, CDCR proposes to add Footnote 21, which designates a class as an exception to State Personnel Board Rule 431, to the teacher classes used in the Juvenile Justice High Schools within CDCR.

FRAUD INVESTIGATOR, BUREAU OF STATE AUDITS

225

The Bureau of State Audits (BSA) proposes the following revisions to the Fraud Investigator, BSA Series Specification: establishment of the Fraud Investigator III, BSA classification within the series, with a 12 month probationary period; revisions to the class specification and title change of the Fraud Investigator, BSA to Fraud Investigator I, BSA; and revisions to the class specification and title change of the Supervising Fraud Investigator, BSA to Fraud Investigator II, BSA.

AUDITOR, BUREAU OF STATE AUDITS

240

The Bureau of State Audits (BSA) proposes establishing the following classes within the Auditor, BSA Series Specification, each with a twelve month probationary period: Senior Auditor Evaluator I, BSA; Senior Auditor Evaluator II, BSA; and Senior Auditor Evaluator III, BSA. Additionally the BSA proposes the following changes to the class series: footnote 24 be applied to the class of Senior Auditor Evaluator, BSA to prevent future appointments to the class, and to abolish the class when it becomes vacant; and revisions to the class specification for the class of Principal Auditor, BSA.

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

The Department of Personnel Administration and SPB staff proposes that the following classes be abolished. All of the following classes have been vacant for more than twenty-four months. The user departments and appropriate union have been notified and are in agreement. Class Specs are included in this Board Item only for classification(s) proposed to be abolished which are part of a class series.

Title	Class Code
Manager of Program Services Veterans Home and Medical Center	8285
Manger of Support Services Veterans Home and Medical Center	4750
Veterans Educational Representative	9970
Telephone Operator Switchboard for the Blind	1636
Field Agent Wildlife Conservation Board	950
Market Data Compiler	221
Marketing Specialist	542

TO: STATE PERSONNEL BOARD

FROM: BARBARA J. HUDSON, Personnel Management Consultant
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Personnel Program Manager
Department of Personnel Administration

SUBJECT: Proposed establishment of a new class entitled SUPERVISING DEPUTY ATTORNEY GENERAL, with a 12 month probationary period; inclusion in the series specification for DEPUTY ATTORNEY GENERAL; proposed revision of the minimum qualifications for the DEPUTY ATTORNEY GENERAL deep class and DEPUTY ATTORNEY GENERAL IV; the Footnote in Alternate Range Criteria 225 for the DEPUTY ATTORNEY GENERAL deep class, and other minor revisions to the DEPUTY ATTORNEY GENERAL series specification.

SUMMARY OF ISSUES:

The Department of Justice specifically proposes the following actions:

- (1) Establishment of a new class entitled Supervising Deputy Attorney General, with a 12-month probationary period, to serve as the working supervisor level within the Deputy Attorney General class series. This request is a result of an obvious need to address a current supervisor-subordinate relationship that is extraordinary: 38.6 attorney staff to one supervisor (Senior Assistant Attorney General, C.E.A.).
- (2) A revision to the minimum qualifications for the Deputy Attorney General deep class in order to broaden the candidate pool.
- (3) A revision to the minimum qualifications for the Deputy Attorney General IV class to clarify the type of legal experience required.
- (4) That the definition of "Experience in the "practice of law" or "performing legal duties" be expanded to include experience as a judicial clerk for a Federal court, California state court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.
- (5) A revision to the Footnote in Alternate Range Criteria 225 for the Deputy Attorney General deep class.
- (6) That the "Knowledge and Abilities" section be revised to include additional abilities the competitor should possess in order to successfully perform the duties of the class.
- (7) That a segment entitled "Special Personal Characteristics" be added to the series specification that identifies particularly important personal qualities that are necessary for successful job performance at all levels.

CONSULTED WITH:

Don Hayashida, Chief Personnel Programs, Department of Justice
 Mary Sayre, Manager, Classification and Pay Unit, Department of Justice
 Monique Morgan, Personnel Analyst, Department of Justice
 Jacquelyn Sanders, Labor Relations Officer, Department of Personnel Administration
 Jennifer Roche, State Personnel Board
 Raquel Silva, California Attorneys, Administrative Law Judges and Hearing Officers in State
 Employment

In accordance with the terms of the DPA/CASE contract, the Department of Personnel Administration has notified the union in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

Please see attached proposal.

RECOMMENDATIONS:

1. That the class of Supervising Deputy Attorney General be established; the proposed specification for the class appearing in the Deputy Attorney General series specification shown in the current calendar be adopted; and the probationary period for the class be 12-months.
2. That the proposed revised specification for the class of Deputy Attorney General, appearing in the Deputy Attorney General series specification as shown in the current calendar be adopted.
3. That the proposed revised specification for the class of Deputy Attorney General IV, appearing in the Deputy Attorney General series specification as shown in the current calendar be adopted.
4. That the proposed revised Footnote in Alternate Range Criteria 225 for the Deputy Attorney General deep class as shown in the current calendar be adopted.
5. That the proposed revised Deputy Attorney General series specification as shown in the current calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Deputy Attorney General (DAG) classes are used in the Office of the Attorney General to perform a wide variety of legal work concerned with representing the State, most of its officers, departments, boards, commissions and other such bodies before the state and federal courts and administrative bodies and acting as legal counsel for such agencies and officials. Other duties include: assisting or displacing local district attorneys in unusual situations; preparing pleadings and other legal materials for trials, hearings and other legal proceedings; presenting criminal and civil cases at trial (jury and non-jury); drafting and analyzing legislative measures and regulations; giving legal advice to grand juries, district attorneys, county counsels, state officials and representatives of public agencies on legal problems; performing legal research; writing opinions; and doing other related work. This series of classifications resides mainly in the Criminal Law Division, the Division of Public Rights and the Division of Civil Law.

The Department employs roughly 1043 attorneys assigned to the various levels of the DAG series. Although DAG IIIs and IVs can lead the work of other attorneys, per the provisions of the Dills Act, it is illegal for them to perform the full range of supervisory duties. Within the department's existing structure, the only classification that can legally supervise staff attorneys is the Senior Assistant Attorney General, CEA (SAAG, CEA) classification. The Department currently employs 27 SAAGs and, as stated before, approximately 1043 staff attorneys. Accordingly, the current supervisor-subordinate relationship is staggering: 38.6 attorney staff to 1 supervisor. The Department proposes establishing a supervisory classification within the DAG series entitled **Supervising Deputy Attorney General (SDAG)** in order to address this obvious supervisory shortage.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

The classification, SDAG, reports to the classification, Senior Assistant Attorney General, C.E.A..

3. Will the subject class(es) supervise? If so, what class(es)?

The classification, SDAG, will supervise the following classifications:

Deputy Attorney General (DAG) (deep class)

DAG III

DAG IV

Graduate Legal Assistant

Senior Legal Analyst

Legal Analyst

Legal Assistant

Legal Secretary

4. What are the specific duties of the subject class(es)?

The proposed classification, SDAG, is the working supervisor level within the DAG series. It is used in the Office of the Attorney General to perform a wide variety of legal work concerned with representing the State, most of its officers, departments, boards, commissions and other such bodies before the state and federal courts and administrative bodies and acting as legal counsel for such agencies and officials; assisting or displacing local district attorneys in unusual situations; preparing pleading and other legal materials for trials, hearings and other legal proceedings; presenting criminal and civil cases at trial (jury and nonjury); drafting and analyzing legislative measures and regulations; giving legal advice to grand juries, district attorneys, county counsels, state officials and representatives of public agencies on legal problems; performing legal research; writing opinions; and to do other related work.

Individuals in the SDAG classification plan, organize and direct the work of subordinate attorneys and may supervise both paralegal and/or support staff; evaluate the performance of subordinate staff and take or effectively recommend appropriate action; provide training to subordinate attorneys; interview and select or actively participate in the interview and selection process for subordinate staff; develop strategy and tactics in the most complex disputes or litigation; and may personally perform the most difficult and complex litigation, negotiation, legislative liaison, hearings, legal research, and opinion drafting.

5. What is the decision-making responsibility of the subject class(es)?

The decision-making responsibility for the SDAG classification is broad. This classification has the ultimate responsibility for the success or failure of the most difficult and complex litigation. This classification is at the working supervisor level. Individuals in this class will plan, organize and direct the work of subordinate attorneys and may supervise other support staff. This includes evaluating the performance of subordinate staff and taking or effectively recommending appropriate disciplinary actions. In short, not only will the proposed class have far-reaching influence on the cases which are prosecuted, but also the employees whom they supervise.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs?

(Program problems, lost funding, public safety compromised, etc.)

Attorneys at the proposed supervisory level will bear a great deal of direct responsibility for the quality and timeliness of legal representation in the 40,000 active cases currently being handled by the Office of the Attorney General. These cases include criminal prosecutions handled in federal and state trial, intermediate appellate and the highest courts. The Department's attorneys also serve as litigation counsel for nearly all state officers, agencies, departments, boards and commissions. Additionally, attorneys within the Department investigate and prosecute cases on behalf of the people of the State of California to protect California consumers from fraudulent and unfair practices, protect the State's environmental resources and ensure a fair and competitive marketplace for California businesses.

First level supervisors are critically important in ensuring that the cases, legal arguments, motions and appellate briefs filed in this multitude of criminal and civil litigation are handled expertly, timely and economically. They also play a key role in assigning legal staff to particular cases and investigations, monitoring line employee's performance, and taking necessary corrective action concerning those legal professionals as circumstances require. Another major responsibility of first-level supervisors is to see that consistent legal positions are asserted in litigation being handled on behalf of the State of California, its agencies and officials, and that state laws and Departmental policies are followed by all legal professionals within the Department.

As noted above, the present employee-supervisor (i.e., Deputy Attorney General-Senior Assistant Attorney General) ratio within the Department is approximately 38:1. Well-established managerial principles and empirical evidence both demonstrate that effective supervision—i.e., supervision that accomplishes the critical objectives noted above—is impossible at such an extreme ratio. It is for that reason that a new classification of first-level supervisors—the Supervising Deputy Attorney General classification—is necessary. Creation of that classification will ensure that the vital legal work handled by the Department's legal professionals is performed in the most efficient, cost-effective and expert manner possible. Conversely, failure to create this class will permit a steady erosion of the Department's ability to promote public safety, represent state government and protect the public fisc.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents in this class are the most seasoned and experienced attorneys who are experts in their area of law. Persons in this class are assigned the most complex and sensitive litigation.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

SDAG's provide expert legal advice to state officials, boards, commissions, district attorneys, county counsels, grand juries and other public agencies.

NEED FOR NEW CLASS (if necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

The classification series that was found to be most comparable for this analysis was that of Staff Counsel. The essential functions, knowledge, skills and abilities, and minimum qualifications of the Staff Counsel series most closely match that of the proposed subject classification. In addition, both series are allocated to the same occupational area and the Staff Counsel series contains a supervisory component (Staff Counsel III, Supervisor) which most closely paralleled the proposed concept class. However, although there are similarities, there are numerous, important differences. For example, Staff Counsel do not litigate cases in state and federal courts as is required of the Deputy Attorney General (DAG) classifications. Individuals in the DAG series are involved in highly visible court proceedings that may have both a state and nationwide impact. The DAG series also has

a broad influence on a variety of critical litigation. DAGs are required to prosecute a multitude of cases on behalf of state agencies and also litigate on behalf of the people of the State of California in cases that require a wide range of legal expertise and complexity, such as criminal cases where the outcome may result in the death penalty, and litigation that has a significant impact on the public, such as the energy crisis cases, tobacco litigation, and identity theft litigation. Individuals in the proposed classification provide significant legal expertise, guidance and oversight over cases that protect taxpayers from fraudulent, unfair, and illegal activities that victimize consumers or threaten public safety, and enforce laws that safeguard the environment and natural resources. By contrast, Staff Counsel provide in-house legal advice, and do not litigate cases.

Although the typical tasks of the SCIII Sup and the proposed description for the Definition of Levels are similar, the department asserts that using the service-wide class of SCIII Sup would be inappropriate in our legal climate. Again, SCIII Sup's do not litigate cases in state and federal court as is required of the DAG classifications. By contrast, Staff Counsel represent their departments during administrative hearings and provide in-house legal advice – they do not litigate cases. It would be inappropriate for the department to demand a certain level of legal expertise of its own DAG staff (arguing in state and federal court) and not be able to hold their supervisors (SCIII Sup) to the same level. Typically, incumbents in the SCIII Sup classification have promoted into the classification through the competitive promotional examination process, meaning they would have to have been a Staff Counsel in order to meet the minimum qualifications. This means that they would not be performing the level of work required in the Office of the Attorney General. Therefore, they would not be equipped with the knowledge, skills and abilities required to effectively supervise DAG staff.

The salary levels are also a vital issue. The SCIII Sup maximum is \$8522. The DAG IV maximum is \$9415. It would be inappropriate for a supervisor's salary to be less (more than two steps less) than the employees he supervises. An additional problem with this arrangement would be the amount of employees the SAAGs would be required to supervise. Not only would they need to supervise the SCIII Sups, but they would need to supervise the DAG IVs. Since we currently employ 561 DAG IVs and we would require approximately 130 supervisors with our current structure, the 27 SAAGs would have to supervise approximately 26 employees, much too high a ratio. However, by creating the formal SDAG classification, the amount of employees supervised by the SAAGs would be lowered to between five and eight direct reports (depending upon how many we allocate). This is possible because the SDAG would sit above the DAG IV classification, organizationally.

In addition, if the department were to employ someone as a SCIII Sup, we would be creating a glass ceiling since most individuals in the SCIII Sup classification would not possess the legal expertise and experience that our attorneys do. Consequently, they would not be competitive or possibly not qualify to take the DAG IV promotional examination. And if by some chance they were competitive in the examination and received a ranking from which they could be appointed, they would be moving from an excluded, supervisory classification back to a rank and file classification. This would be a very real concern since not only do supervisory classifications have physical benefits (additional salary, vacation, life insurance, do not have to pay union dues), there is also a status issue in going from a supervisory, excluded classification to a classification which is rank and file.

For these reasons, the Department feels that Staff Counsel III, Supervisor, would not be appropriate.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

The Department proposes the following minimum qualifications:

Eight years of legal experience in the practice of law in a governmental jurisdiction or in the private practice of law, two years of which must have been at a level of responsibility equivalent to Deputy Attorney General III. The two years of experience equivalent to the Deputy Attorney General III level must be obtained in California State Civil Service. (Applicants will be admitted to the examination upon completion of seven and one-half years of legal experience, but must complete eight years total experience, which includes two years of experience at the Deputy Attorney General III level before they will be eligible for appointment.*

The minimum qualifications were created by examining a variety of sources. Several existing supervisory classifications were examined in the process and our own existing structure and organization were analyzed. By establishing minimum qualifications that require eight years of legal experience in the practice of law (two of which must have been at a level of responsibility equivalent to Deputy Attorney General III), the departments intent was to create a candidate pool that would be competitive, experienced and prepared for a first level working supervisor position. By mandating that each candidate be employed as a DAG III for two years, it is at this point that an attorney employed by the Department of Justice would have achieved enough institutional knowledge and experience to be competitive in the examination. In addition, SDAGs are currently allocated at both the III and the IV level, by establishing the MQs at eight years, it was the department's intent to cast the largest net possible in allowing for the most diverse and experienced candidate pool. Lastly, the informal practice of assigning DAG IIIs and IVs supervisory duties supports the formalization of this practice.

PROBATIONARY PERIOD

☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

We are requesting a 12-month probationary period. By comparison, most of the supervisory classes are given a 12-month probationary period.

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

The current employees performing supervisory duties will need to take the examination and score in a reachable rank in order to be considered eligible for promotion.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Incumbents will move into the classification by examination.

CONSULTED WITH

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Richard Frank, Chief Deputy Attorney General, CEA, Executive Programs

Don Hayashida, Chief, Personnel Programs, Administrative Services Division

Robert Alderette, Personnel Officer, Personnel Programs, Administrative Services Division

Jacob Appelsmith, Senior Assistant Attorney General, Employment Regulations and Administration

Don Pressley, Deputy Attorney General III, Personnel Programs, Administrative Services Division

Nancy Bell, Staff Services Manager III, Executive Programs

Mary Sayre, Manager, Classification and Pay Unit, Personnel Programs, Administrative Services Division

Terri Trejo, Manager, Testing and Selection Unit, Personnel Programs, Administrative Services Division

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CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

DEPUTY ATTORNEY GENERAL
Series Specification
(Established October 22, 1970)

SCOPE

The classes in this series are used in the Office of the Attorney General to perform a wide variety of legal work concerned with representing the State, most of its officers, departments, boards, commissions, and other such bodies before the State and Federal courts and administrative bodies and acts as legal counsel for such agencies and officials; assisting or displacing local district attorneys in unusual situations; preparing pleading and other legal materials for trials, hearings, and other legal proceedings; presenting criminal and civil cases at trial (jury and nonjury); drafting and analyzing legislative measures and regulations; giving legal advice to grand juries, district attorneys, county counsels, officials, and representatives of public agencies on legal problems; performing legal research; writing opinions; and to do other related work. The series includes classes which are primarily nonsupervisory in nature with the exception of the Supervising Deputy Attorney General classification.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
OC65	5730	Deputy Attorney General
OC60	5706	Deputy Attorney General III
OC50	5705	Deputy Attorney General IV
<u>OC45</u>	<u>5703</u>	<u>Supervising Deputy Attorney General</u>

DEFINITION OF LEVELS

ALL LEVELS:

Nonsupervisory classes generally perform similar duties. Differences between these classes are essentially ~~differences~~ in the level of service and expertise incumbents can be expected to provide and in the difficulty of assignments ~~which~~ that they receive.

DEPUTY ATTORNEY GENERAL

This is a recruitment class for persons qualified to practice law in the State of California. Incumbents assigned to Range A perform the least difficult professional legal work in the Department of Justice. Based upon the appropriate alternate range criteria, incumbents

advance to Range B, C, and D and are assigned progressively more difficult professional legal work. Incumbents assigned to Range D are assigned the more complex and sensitive legal work in this class.

DEPUTY ATTORNEY GENERAL III

Incumbents in this class are well-experienced attorneys who have developed the expertise necessary to capably perform the most complex and sensitive work of the Office of the Attorney General on an independent basis. A Deputy Attorney General III represents and acts as counsel for large State departments, for a group of boards and commissions whose legal work is difficult, and advises district attorneys, county counsels, grand juries, and other public agencies staffed principally by attorneys. Persons in this class are assigned litigation of great difficulty and handle cases that are likely to be appealed to the highest courts. They may act as a leadperson over the work of other attorneys.

DEPUTY ATTORNEY GENERAL IV

Incumbents in this class are the most experienced attorneys who are experts in a broad or specialized area of law and have demonstrated their ability to independently perform assignments consisting of the most complex and sensitive legal work of the Office of the Attorney General and to consistently produce favorable results on these proceedings. A Deputy Attorney General IV represents and acts as counsel for the largest State departments, for a group of boards and commissions whose legal work is exceptionally difficult, and advise district attorneys, county counsels, grand juries, and other public agencies staffed principally by attorneys. Persons in this class are assigned litigation of the greatest difficulty and handle cases that are very likely to be appealed to the highest courts. They may act as leadpersons over the work of other attorneys.

SUPERVISING DEPUTY ATTORNEY GENERAL

This is the working supervisor level. Individuals in this class plan, organize, and direct the work of subordinate attorneys and may supervise both paralegal and/or support staff; evaluate the performance of subordinate staff and take or effectively recommend appropriate action; provide training to subordinate attorneys; interview and select or actively participate in the interview and selection process for subordinate staff; develop strategy and tactics in the most complex disputes or litigation; and may personally perform the most difficult and complex litigation, negotiation, legislative liaison, hearings, legal research, and opinion drafting.

MINIMUM QUALIFICATIONS

All classes require active membership in The California State Bar. (Applicants who are not members of The California State Bar but who are eligible to take The California State Bar examination will be admitted to the examination but will not be considered eligible for appointment until they are admitted to The State Bar.)

DEPUTY ATTORNEY GENERAL

Membership in The California State Bar. (Applicants must have active membership in The California State Bar before they will be eligible for appointment. Applicants who are not members of The California State Bar but who are eligible to take The California State Bar examination will be admitted to the examination but will not be considered eligible for appointment until they are admitted to The State Bar.)

~~Candidates applying promotionally for Deputy Attorney General must be in the class Graduate Legal Assistant.~~

DEPUTY ATTORNEY GENERAL III

Six years of legal experience in the practice of law in a governmental jurisdiction or in the private practice of law.* (Applicants will be admitted to the examination upon completion of five and one-half years of legal experience, but must complete six years of such experience before they will be eligible for appointment.)

DEPUTY ATTORNEY GENERAL IV

Ten years of ~~experience performing legal duties*~~ legal experience in the practice of law in a governmental jurisdiction or in the private practice of law*, four years of which must have been at a level of responsibility equivalent to Deputy Attorney General III. The four years of experience at the Deputy Attorney General III level must be obtained in California State Civil Service. (Applicants who have

* Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to The Bar, or (2) experience as a judicial clerk for a Federal court, California state court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

completed nine years and six months of the required total legal experience including three years and six months of the required experience comparable to the Deputy Attorney General III class will be admitted into the examination but must complete the required ten years' total legal experience which includes at least four years of experience at the Deputy Attorney General III level before they will be eligible for appointment.)

SUPERVISING DEPUTY ATTORNEY GENERAL

Eight years of legal experience in the practice of law in a governmental jurisdiction or in the private practice of law*, two years of which must have been at a level of responsibility equivalent to a Deputy Attorney General III. The two years of experience equivalent to the Deputy Attorney General III level must be obtained in the California State Civil Service. (Applicants will be admitted to the examination upon completion of seven and one-half years of legal experience, but must complete eight years total experience which includes two years of experience at the Deputy Attorney General III level before they will be eligible for appointment.)

KNOWLEDGE AND ABILITIES

ALL LEVELS:

Knowledge of: Legal principles and their application; professional and ethical rules as they relate to the practice of law and particularly the role of public attorneys, to ensure the rules are strictly followed by oneself as well as other attorneys. Examples include Federal/State statutes, rules (e.g., Rules of Professional Conduct), and case law defining the scope of the attorney-client privilege, and local rules establishing standards of conduct and sanctions for misconduct by attorneys; available research sources, both printed and electronic, to complete legal research, including what type of material they contain, where they are located, and their breadth, depth, and relative strengths and weaknesses. Examples include primary and secondary legal texts, and electronic databases;

* Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to The Bar, or (2) experience as a judicial clerk for a Federal court, California state court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

scope and character of California statutory law and provisions of the California Constitution; ~~legal research methods;~~ principles and practices for properly conducting legal research, such as ensuring law is current and checking for recent amendments to statutes; principles of administrative and constitutional law, rules of evidence, and conduct of proceedings in trial and appellate courts of California and the United States and before administrative bodies; duties and powers of the Attorney General of California; and the English language practices for properly conducting legal research, such as ensuring law is current and checking for recent amendments to statutes; principles of administrative and constitutional law, rules of evidence, and conduct of proceedings in trial and appellate courts of California and the United States and before administrative bodies; duties and powers of the Attorney General of California; and the English language to effectively produce a variety of written work products. Includes knowledge of grammar, spelling, punctuation, sentence, and paragraph structure, organization, and appropriate vocabulary.

Ability to: Prepare, present, and handle legal cases; perform research; analyze difficult and complex legal problems, and apply legal principles and precedents to particular sets of facts; present statements of facts, law, and argument clearly and logically in written and oral form; analyze and draft proposed legislative measures; handle difficult legal correspondence; direct the work of clerical and professional assistants; edit written documents written by oneself, as well as those produced by others, for accuracy and effectiveness; analyze situations accurately and adopt an effective course of action; reason logically; work cooperatively with a variety of individuals and organizations; and exercise good judgment.

A greater degree of these "Knowledge and Abilities" is required at each higher level.

SUPERVISING DEPUTY ATTORNEY GENERAL

Knowledge of: In addition to the above, applicable collective bargaining agreements and related issues; State and department policies and procedures; disciplinary guidelines and personnel rules; and a supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Plan and direct the work of subordinate staff, and effectively supervise the work of a group of attorneys and paralegal and support staff; review and monitor cases for efficient and effective progress; initiate and review personnel matters; and effectively promote equal opportunity employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

All levels: Honesty, integrity, reliability, fair, and conscientious.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Deputy Attorney General	3/25/86	9/1/87	--
Deputy Attorney General III	4/8/44	9/1/87	3/17/76
Deputy Attorney General IV	10/22/70	1/12/93	3/17/76
<u>Supervising Deputy Attorney General</u>	_____	--	--

ALTERNATE RANGE CRITERIA 225

Experience gained outside of State service may be credited only if the appointing power believes the experience was satisfactory and comparable in type and quality to that of a Deputy Attorney General.

When the requirements for the particular criteria are met and upon recommendation of the appointing power, the employee shall receive a rate under the provisions of Section 599.676.

Range A. This range shall apply to individuals who are active members of The State Bar of California and who do not meet the criteria for payment in Range B, C, or D.

Range B. This range shall apply to individuals who are active members of The State Bar of California and who, in addition, have satisfactorily completed one (1) year of legal experience in the practice of law in a governmental jurisdiction or in the private practice of law.* Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

* Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to The Bar, or (2) experience as a judicial clerk for a Federal court, California state court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

Range C. This range shall apply to individuals who are active members of The State Bar of California and who, in addition, have satisfactorily completed two (2) years of legal experience in the practice of law in a governmental jurisdiction or private practice of law.* Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

Range D. This range shall apply to individuals who are active members of The State Bar of California who, in addition, have satisfactorily completed four (4) years of legal experience in the practice of law in a governmental jurisdiction or private practice of law.* Evidence of such experience may be in the form of a work record of legal experience inside or outside State service.

* Experience in the "practice of law" or "performing legal duties" is defined as (1) only that legal experience acquired after admission to The Bar, or (2) experience as a judicial clerk for a Federal court, California state court, or another state's appellate court of last resort. For an individual's judicial clerkship to qualify as experience in the "practice of law" or "performing legal duties", the experience must have been gained after receipt of a Juris Doctor or equivalent degree.

April 18, 2006

TO: STATE PERSONNEL BOARD

FROM: SARA HULL, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager
Department of Personnel Administration

DARYLL TSUJIHARA, Division Chief
Department of Personnel Administration

SUBJECT: Proposed revisions to Alternate Ranges 11 and 47.

SUMMARY OF ISSUES:

The California Department of Corrections and Rehabilitation's Division of Juvenile Justice (CDCR DJJ) proposes to amend Alternate Ranges 11 and 47 to include a new salary range necessary to compensate affected teachers and vocational instructors at CDCR DJJ high schools. Also, CDCR proposes to add Footnote 21, which designates a class as an exception to State Personnel Board Rule 431, to the teacher classes used in the Juvenile Justice High Schools within CDCR.

CONSULTED WITH:

JERRI JUDD, Department of Personnel Administration
LAURA AGUILERA, State Personnel Board
KAREN COFFEE, State Personnel Board
JENNIFER ROCHE, State Personnel Board
LINDA MATSUDA, State Controllers Office
DAVE GILB, Department of Personnel Administration
JEANETTE WILLIAMS GIPSON, Department of Personnel Administration
RANDY FISHER, California Department of Corrections and Rehabilitation
RICHARD RIOS, Service Employees International Union

In accordance with the terms of the DPA/SEIU Local 1000 contract, the Department of Personnel Administration has notified the Union in writing of this proposal.

BACKGROUND AND CONSIDERATIONS:

The CDCR DJJ has entered into a Consent Decree as a result of a court order in the Lawsuit of Farrell v. Allen. As part of the Consent Decree, the State is required to develop and implement detailed remedial plans to provide all wards in the CDCR DJJ (previously the California Youth Authority) with adequate and effective care, treatment, and rehabilitation services.

The court ordered the State to negotiate with the Union for CDCR DJJ teachers and vocational instructors on a compensation package that attracts and retains enough teachers to provide a quality education for the wards.

The agreement between the State and the Union changes the compensation plan for the affected teachers and vocational instructors within the CDCR DJJ. Footnote 21 is added to the Language, Speech and Hearing Specialist, Resource Specialist, Special Education, School Psychologist, and Substitute Teacher, Correctional Facility classes. Footnote 21 is used to describe the status of individuals affected by changes to the classification plan. In addition, revisions to Alternate Ranges 11 and 47 are required to add the new range which identifies and explains the compensation for the teachers and vocational instructors at the schools.

The State and the Union agreed the Remedial Plan would have an effective date of April 1, 2006. However, due to a delay in obtaining the Bargaining Unit 03 Memorandum of Understanding Side Agreement and required time frames for the State Personnel Board members and staff to review the package, the proposed revisions must be placed on the April 18, 2006 State Personnel Board Calendar. Therefore, the State requests to backdate the effective date of this item to meet the agreed-upon April 1, 2006 date.

STATUS CONSIDERATIONS:

The affected employees in CDCR DJJ will be moved by Board resolution.

RECOMMENDATIONS:

1. That Alternate Range Criteria 47 be amended as follows:

ALTERNATE RANGE CRITERIA 47

The following criteria are established to determine the appropriate salary range for:

(a) nonacademic classes used by the State Special Schools of the California Department of Education; (b) all classes in Bargaining Unit 21 and all supervisory and managerial classes directly tied to Bargaining Unit 21; and (c) classes in Bargaining Unit 3 and all supervisory and managerial classes directly tied to Bargaining Unit 3 other than teaching and vocational instruction classes used in support of institutional facility academic programs.

Range A. This range shall apply to incumbents of positions who do not meet the criteria for payment of Ranges F, G, H, T, or 1.

Range F. This range shall apply to incumbents at Range A of a qualifying deep class and to incumbents of all other qualifying positions who elect to be employed and paid under the provisions of the 10-12 Pay Plan. The following formula shall be used to determine the gross amount of the monthly installment under the 10-12 Pay Plan:

Regular monthly salary times 10 divided by 12 equals 10-12 Pay Plan gross monthly installments.

Range G. This Range shall apply to incumbents at Range B of a qualifying deep class who elect to be employed and paid under the provisions of the 10-12 Pay Plan. The following formula shall be used to determine the gross amount of the monthly installment under the 10-12 Pay Plan:

Regular monthly salary times 10 divided by 12 equals 10-12 Pay Plan gross monthly installments.

Range H. This Range shall apply to incumbents at Range C of a qualifying deep class who elect to be employed and paid under the provisions of the 10-12 Pay Plan. The following formula shall be used to determine the gross amount of the monthly installment under the 10-12 Pay Plan:

Regular monthly salary times 10 divided by 12 equals 10-12 Pay Plan gross monthly installments.

Range T. This Range shall apply only to incumbents in classes in Bargaining Unit 3 and all supervisory and managerial classes directly tied to Bargaining Unit 3 other than teaching and vocational instruction classes used in support of institutional facility academic programs. The following formula shall be used to determine the gross amount of the monthly installment under the 9-12 Pay Plan:

Regular monthly salary times 9 divided by 12 equals 9-12 Pay Plan gross monthly installments.

Range 1. This Range shall apply only to incumbents in classes in Bargaining Unit 3 and all supervisory and managerial classes directly tied to Bargaining Unit 3 other than teaching and vocational instruction classes used in support of institutional facility academic programs. The following formula shall be used to determine the gross amount of the monthly installment under the 11-12 Pay Plan:

Regular monthly salary times 11 divided by 12 equals 11-12 Pay Plan gross monthly installments.

Prior to movement to another class in State service, an employee receiving compensation under Ranges B, F, or G shall first be allocated to the appropriate range without application of the conditions to Alternate Range Criteria 40.

When the requirements for the particular criteria are met, the employee shall receive a rate under the provisions of DPA Rule 599.681.

DIVISION OF JUVENILE JUSTICE (DJJ)/CALIFORNIA EDUCATION AUTHORITY SALARY SCHEDULE

Range 7

This range shall apply to incumbents employed at a Division of Juvenile Justice high school within the California Department of Corrections and Rehabilitation only. Employees shall be compensated in accordance with the academic calendar schedule established by the California Education Authority (CEA). See Section 8. Variable Compensation for the established rates for the respective high school.

All employees hired prior to April 1, 2006 will be initially placed into the salary schedule, based upon current salary and qualifications, and will move in range upon completion of 12 credits/units. Future advancement through the ranges on the salary schedule shall be based upon earning 12 units for each future range advancement, through Range E.

Employees shall be placed on the salary schedule first, by education above the Bachelors Degree, or for career-technical teachers, the equivalent of a Bachelors Degree (High School

Diploma plus seven (7) years of college work and in trade work experience) and second, by years of full-time credentialed teaching experience.

For new employees, outside qualifying experience in a full time credentialed teaching position can be used to place the employee into the salary schedule up to a maximum of Step 10.

Acceptable credits will be limited to new semester (or equivalent quarter) credits earned in an accredited college or university, including credits for continuing education courses, if taken from an accredited college or university. In addition, vocational education teachers shall receive one (1) unit of semester credit for each forty-five (45) hours worked in industry in a position directly related to the teacher's vocational education instructional area. College credits, continuing education credits and any work credits from industry for vocational education teachers will be directly related to the employee's position and not be a repetition of previously acquired credits or work experience.

Continuing education units required for current professional license/certification and/or continuing education units or work experience directly related to course curriculum and/or professional development, that are offered by approved providers may be accepted for salary advancement with prior approval from an immediate supervisor.

For the purpose of salary advancement, employees may also receive both professional growth and salary advancement as long as there has been prior approval for such an action from an immediate supervisor or program director as follows:

- Credits used for salary advancement shall be directly related to the field of instruction of the teacher or specialist seeking credit.
- In lieu credit may be granted for engaging in projects and/or CEA approved workshops regarding the improvement of instruction and curriculum within the teacher's school or community at the rate of fifteen hours equal one credit.

*No more than three (3) credits will be granted in one **academic calendar** year..

2. That Alternate Range 11 be amended as follows:

ALTERNATE RANGE CRITERIA 11

When an employee who possesses the required teaching credential enters State service in one of the teaching classes, he/she shall be appointed to the first rate of the appropriate range in terms of the following criteria:

NOTE: These criteria are not minimum qualifications. The minimum qualifications, including the credential required, are contained in the class specifications. These criteria are to be used only for determining appointment salary or hiring rate based on academic preparation required, or in addition to that necessary to obtain the appropriate credential. The minimum qualifications as set forth in the specification determine eligibility for the class or position.

RANGES

ACADEMIC

VOCATIONAL

A, J, T, and 1	Academic preparation totaling less than a bachelor's degree	
B, K, U, and 2	Possession of a bachelor's degree.	
C, L, V, and 3	Possession of a bachelor's degree plus 12 upper division or graduate units which were not counted toward the degree.	Three years' experience with graduation from high school.
D, M, W, and 4	Possession of a bachelor's degree plus 24 upper division or graduate units which were not counted toward the degree.	Three years of journeyman experience with graduation from high school.

Prior teaching experience shall not affect the entrance rate under these criteria. No initial appointment shall be made above Range D, M, W, or 4. The provisions of Government Code Section 19836 may be applied for hiring above minimum in Range A, B, C, D, J, K, L, M, T, U, V, W, 1, 2, 3, or 4.

9-12 PAY OPTION

When a full-time employee with permanent or probationary status in a civil service position requiring teacher certification qualifications and performance of teaching duties elects to be employed and paid under the provisions of the 9-12 Pay Plan:

Regular monthly salary times 9 divided by 12 equals 9-12 Pay Plan gross monthly installment.

10-12 PAY OPTION

When a full-time employee with permanent or probationary status in a civil service position requiring teacher certification qualifications and performance of teaching duties elects to be employed and paid under the provisions of the 10-12 Pay Plan:

Regular monthly salary times 10 divided by 12 equals 10-12 Pay Plan gross monthly installment.

11-12 PAY OPTION

When a full-time employee with permanent or probationary status in a civil service position requiring teacher certification qualifications and performance of teaching duties elects to be employed and paid under the provisions of the 11-12 Pay Plan:

Regular monthly salary times 11 divided by 12 equals 11-12 Pay Plan gross monthly installment.

INCENTIVE INCREASES

When a teacher receiving less than Range F under the regular pay plan or less than Range P under the 10-12 Pay Plan, or less than Range Y under the 9-12 Pay Plan, or less than Range 6 under the 11-12 Pay Plan, completes at least six units in college level courses approved by his/her department and taken after appointment, he/she shall be entitled to an

increase under the provisions of DPA Rule 599.681. Such an advance shall be known as an "incentive increase." No employee shall receive more than one incentive increase in any calendar year.

DIVISION OF JUVENILE JUSTICE (DJJ)/CALIFORNIA EDUCATION AUTHORITY SALARY SCHEDULE

Range 7

This range shall apply to incumbents employed at a Division of Juvenile Justice high school within the California Department of Corrections and Rehabilitation only. Employees shall be compensated in accordance with the academic calendar schedule established by the California Education Authority (CEA). See Section 8. Variable Compensation for the established rates for the respective high school.

All employees hired prior to April 1, 2006 will be initially placed into the salary schedule, based upon current salary and qualifications, and will move in range upon completion of 12 credits. Future advancement through the ranges on the salary schedule shall be based upon earning 12 units for each future range advancement, through Range E.

Employees shall be placed on the salary schedule first, by education above the Bachelors Degree, or for career-technical teachers, the equivalent of a Bachelors Degree (High School Diploma plus seven (7) years of college work and in trade work experience) and second, by years of full-time credentialed teaching experience.

For new employees, outside qualifying experience in a full-time credentialed teaching position can be used to place the employee into the salary schedule up to a maximum of Step 10.

Acceptable credits will be limited to new semester (or equivalent quarter) credits earned in an accredited college or university, including credits for continuing education courses, if taken from an accredited college or university. In addition, vocational education teachers shall receive one (1) unit of semester credit for each forty-five (45) hours worked in industry in a position directly related to the teacher's vocational education instructional area. College credits, continuing education credits and any work credits from industry for vocational education teachers will be directly related to the employee's position and not be a repetition of previously acquired credits or work experience.

Continuing education units required for current professional license/certification and/or continuing education units or work experience directly related to course curriculum and/or professional development, that are offered by approved providers may be accepted for salary advancement with prior approval from an immediate supervisor.

For the purpose of salary advancement, employees may also receive both professional growth and salary advancement as long as there has been prior approval for such an action from an immediate supervisor or program director as follows:

- Credits used for salary advancement shall be directly related to the field of instruction of the teacher or specialist seeking credit.
- In lieu credit may be granted for engaging in projects and/or CEA approved workshops regarding the improvement of instruction and curriculum within the teacher's school or community at the rate of fifteen hours equal one credit.

*No more than three (3) credits will be granted in one academic calendar year.

3. That employees in Range 1 through X of Alternate Range Criteria 11 be appointed to the appropriate rate in the new Range 7.

4. The employees in Ranges 1, A, F and T of Alternate Range Criteria 47 be appointed to the appropriate rate in the new Range 7.

RESOLUTIONS:

Effective April 1, 2006, the following resolution is adopted by the State Personnel Board.

Whereas the State Personnel Board on April 18, 2006 revised the Classes indicated below in column II to add Range 7; and the duties and responsibilities of Range 7 were included in the classes indicated below in Column I;

Whereas the knowledge and abilities required for Range 7 of the classes indicated in Column II were substantially tested for in the examinations held for the classes listed in Column I; Therefore be it

Resolved, That any person with civil service status in the California Department of Corrections and Rehabilitation and employed as a Teacher or Vocational Instructor in a Division of Juvenile Justice High School on April 18, 2006 be reallocated effective April 1, 2006 to, and hereby granted, the same civil service status in the appropriate alternate range as indicated below in Column II.

Column I

Language, Speech and Hearing Specialist
Resource Specialist, Special Education
School Psychologist
Teacher (Emotionally/Learning Handicapped) CF
Teacher (High School-Mathematics) CF
Teacher (High School-English/Language Arts) CF
Teacher (High School-Physical Education) CF
Teacher (High School-Social Science) CF
Teacher (High School-Science) CF
Teacher (High School-General Education) CF
Teacher -Librarian Correctional Facility
Teacher (High School-Music) CF
Teacher (High School-Arts and Crafts) CF
Teacher (English Language Development) CF
Teacher (Elementary-Multiple Subjects) CF
Teacher (High School-Foreign Language) CF
Substitute Academic Teacher (CF)
Vocational Instructor (Barbershop Practices) CF
Vocational Instructor (Building Maintenance) CF
Vocational Instructor -Culinary Arts- CF

Column II

Language, Speech and Hearing Specialist Range 7
Resource Specialist, Special Education Range 7
School Psychologist Range 7
Teacher (Emotionally/Learning Handicapped) Rg 7
Teacher (High School-Mathematics) CF Range 7
Teacher (High School-English/Language Arts)CFRg7
Teacher (High School-Physical Education) CF Rg 7
Teacher (High School-Social Science) CF Range 7
Teacher (High School-Science) CF Range 7
Teacher (High School-General Education) CF Rg 7
Teacher -Librarian Correctional Facility Range 7
Teacher (High School-Music) CF
Teacher (High School-Arts and Crafts) CF Range 7
Teacher (English Language Development) CF Rg 7
Teacher (Elementary-Multiple Subjects) CF Range 7
Teacher (High School-Foreign Language) CF Range 7
Substitute Academic Teacher (CF) Range 7
Vocational Instructor (Barbershop Practices)CF Rg 7
Vocational Instructor (Building Maintenance)CF Rg 7
Vocational Instructor -Culinary Arts- CF Range 7

Column I

Vocational Instructor (Office Services and Related Technologies) CF

Column II

Vocational Instructor (Office Services and Related Technologies) CF Range 7

Vocational Instructor (Printing Graphic Arts) CF	Vocational Instructor (Printing Graphic Arts) CF Rg 7
Vocational Instructor -Stockkeeping and Warehousing- CF	Vocational Instructor -Stockkeeping and Warehousing- CF Range 7
Vocational Instructor (Computer and Related Technologies) CF	Vocational Instructor (Computer and Related Technologies) CF Range 7
Vocational Instructor -Electronics- CF	Vocational Instructor -Electronics- CF Range 7
Vocational Instructor -Janitorial Service- CF	Vocational Instructor -Janitorial Service- CF Rg 7
Vocational Instructor -Mill & Cabinet Work- CF	Vocational Instructor -Mill & Cabinet Work- CF Rg 7
Vocational Instructor -Welding- CF	Vocational Instructor -Welding- CF Range 7
Vocational Instructor -Carpentry- CF	Vocational Instructor -Carpentry- CF Range 7
Vocational Instructor -Landscape Gardening- CF	Vocational Instructor -Landscape Gardening- CF Rg 7
Vocational Instructor -Masonry- CF	Vocational Instructor -Masonry- CF Range 7
Vocational Instructor -Upholstering- CF	Vocational Instructor -Upholstering- CF Range 7
Vocational Instructor -Painting- CF	Vocational Instructor -Painting- CF Range 7
Vocational Instructor -Dog Grooming and Handling CF	Vocational Instructor -Dog Grooming and Handling CF Range 7
Vocational Instructor -Machine Shop Practices-CF	Vocational Instructor -Machine Shop Practices-CF Range 7
Vocational Instructor-Machine Shop-Automotive CF	Vocational Instructor-Machine Shop-Automotive CF Range 7
Vocational Instructor -Auto Mechanics - CF	Vocational Instructor -Auto Mechanics – CF Rg 7
Vocational Instructor-Auto Body & Fender Repair- CF	Vocational Instructor-Auto Body & Fender Repair- CF Range 7

To: STATE PERSONNEL BOARD

FROM: ELAINE M. HOWLE, State Auditor

REVIEWED BY:

SUBJECT: Proposed Revision of the Fraud Investigator, Bureau of State Audits Series Specification

SUMMARY OF ISSUES:

The Bureau of State Audits (bureau) is requesting a revision to the classification specification for the Fraud Investigator, Bureau of State Audits series. The specification was established when the bureau opened in May of 1993 and has never been revised. Most importantly, legislative changes made in 2001 to the California Whistleblower Protection Act required that all state employees annually be notified and reminded of the existence and function of the whistleblower hotline. With the enactment of these legislative changes the number of complaints filed with the bureau has increased from 295 in 2001 to 505 in 2005. As a result, the bureau has increased the number of staff necessary to meet the workload demands created by these investigative complaints. Furthermore, the bureau has experienced difficulty retaining qualified individuals to work as Fraud Investigators. The training and experience the incumbent receives is valuable and extremely marketable to other organizations both in the public and private sectors. The bureau has recently lost half of its Fraud Investigators to jobs with greater potential for higher salaries. The bureau is proposing revisions to this classification series to make it more competitive in retaining qualified staff and ensuring that the bureau is meeting the requirements of the California Whistleblower Protection Act.

Finally, the current classification specification, written over a decade ago, no longer clearly reflects the full spectrum of duties and changes in responsibilities of staff at the Fraud Investigator, Bureau of State Audit level.

Employees at the Bureau of State Audits are excluded from collective bargaining.

CONSULTED WITH:

Steve Hendrickson, Chief Deputy State Auditor, Bureau of State Audits
 Sharon Reilly, Chief Legal Counsel, Bureau of State Audits
 Debbie Meador, Special Assistant State Auditor, Bureau of State Audits
 Kim Anderson, Deputy State Auditor, Bureau of State Audits
 Phil Jelcich, Deputy State Auditor, Bureau of State Audits
 Sylvia Hensley, Deputy State Auditor, Bureau of State Audits
 Donna Neville, Senior Staff Counsel, Bureau of State Audits

CLASSIFICATION CONSIDERATIONS:

See Attached Proposal

RECOMMENDATIONS

1. That the following classification be established; the proposed specification for this class shown in this calendar be adopted; and the probationary period be as specified below:

<u>Class</u>	<u>Probationary Period</u>
Fraud Investigator III, Bureau of State Audits	12 months

2. That the titles of the following classes be changed as indicated; and the proposed revised specification for these classes as shown on this calendar be adopted:

<u>FROM</u>	<u>TO</u>
Fraud Investigator, Bureau of State Audits	Fraud Investigator I, Bureau of State Audits
Supervising Fraud Investigator, Bureau of State Audits	Fraud Investigator II, Bureau of State Audits

3. That the following resolution be adopted:

WHEREAS the State Personnel Board on [date] established the classes indicated below in Column II; and the duties and responsibilities of these classes were substantially included in the previously existing classes indicated below in Column I; Therefore be it

RESOLVED, That any person with civil service status in the class indicated below in Column I on (date of SPB board meeting) holding a position which is classified as performing the duties of one of the corresponding classes indicated in Column II shall be reallocated to the appropriate class in Column II and shall be deemed to have the same civil service status in the corresponding classes indicated in Column I without further examination:

<u>Column I</u>	<u>Column II</u>
Fraud Investigator, Bureau of State Audits	Fraud Investigator I, Bureau of State Audits
Supervising Fraud Investigator, Bureau of State Audits	Fraud Investigator II, Bureau of State Audits

WHEREAS, the State Personnel board on [date] established the classification of Fraud Investigator III, Bureau of State Audits; Therefore be it

RESOLVED, that the class of Fraud Investigator III, Bureau of State Audits be established; the proposed specifications for the class as shown in this calendar be adopted; and the probationary period be 12 months.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) is approved by DPA. Include headings (Background, Classification Considerations etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal.) Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Bureau of State Audits' goal is to promote the efficient operation of government through independent, objective audits and to conduct investigations under the California Whistleblower Protection Act. The State Auditor independently investigates allegations of improper government activity related to any state employee.

The California Whistleblower Protection Act requires the State Auditor to administer the provisions of the act. This includes conducting investigations into allegations of "improper governmental activities" by state employees. These "improper governmental activities" may include any violation of state or federal law or acts involving fraud, waste, and abuse in state government. The bureau's Fraud Investigations unit is responsible for investigating whistleblower complaints. Effective July 1, 2002, Government Code section 8548.2 required each state agency to post notices in the workplace containing information about the act. Also, each state agency must annually send the information contained in the notice by electronic mail to all employees who have authorized access to agency electronic mail. Since the notification requirement has gone into effect, the number of whistleblower complaints received by the investigations unit has increased by 71 percent.

This proposal will address the need to add a managerial level to this classification series. Because of the increased number of investigations, the bureau realizes the requirement to expand the number of individuals qualified to perform the increased volume and wide range of complex investigations. Currently, the Supervising Fraud Investigator reports directly to the Deputy State Auditor. By implementing this proposal, a new classification of Fraud Investigator III, BSA will be created, allowing the Fraud Investigator III, BSA under the general direction of the Deputy State Auditor, to be responsible for the bureau's Fraud Investigation unit.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

The subject classifications of Fraud Investigator I and II, BSA will report to the Fraud Investigator III, BSA. The Fraud Investigator III, BSA will report directly to the Deputy State Auditor.

3. Will the subject class(es) supervise? If so, what classe(es)?

The Fraud Investigator III, BSA will supervise the Fraud Investigator I and II, BSA and other subordinate staff including analysts (Staff Service Analysts) and intake specialists (Management Service Technicians). In certain instances, the Fraud Investigator II, BSA may act in a lead capacity, supervising the work of Fraud Investigator I, BSA and other subordinate staff, particularly in the absence of the Fraud Investigator III, BSA.

4. What are the specific duties of the subject class(es)?

The Fraud Investigator I, BSA is the journeyman level in the series. Under supervision, incumbents receive formal and on the job training to learn the full range of investigative work. The incumbents are assigned a wide variety of investigative complaints with varying complexity. With increased experience and knowledge incumbents, under general supervision, handle sensitive, complex, and diverse investigative complaints of improper governmental activities. Incumbents perform complaint intake, assess complaints, gather evidence, conduct interviews, draw defensible conclusions, and assist in writing reports based on the results of their investigations. In addition, incumbents prepare correspondence related to investigative work. Incumbents assist in program or policy development and interpretation; and may have independent responsibility to oversee portions of an investigation.

The Fraud Investigator II, BSA is an advanced journeyman level in the series. Under the direction of the Fraud Investigator III, BSA incumbents will conduct the most sensitive, complex and diverse investigations of improper governmental activities. Incumbents demonstrate strong analytical abilities and a comprehensive understanding of a wide-range of investigative techniques and strategies. The Fraud Investigator II, BSA provides assistance to bureau staff in the development of policies and procedures; participates in the most difficult and/or confidential investigations; assists in planning, developing and directing components of an investigative program; writes and ensures accuracy of investigative audit reports and prepares highly sensitive correspondence. Incumbents provide advice to bureau management concerning all aspects of fraud investigations. Incumbents may occasionally act in a lead capacity, supervising the work of Fraud Investigator I, BSA and other subordinate staff within the unit.

The Fraud Investigator III, BSA is the full supervisory/managerial and highest level in the series. Under general direction of the Deputy State Auditor, incumbents are responsible for the bureau's investigative unit function. Incumbents assign priorities and develop specific work plans and workload requirements and assist in the development and administration of policies and procedures. Incumbents plan, develop, and direct the investigative program; manage highly complex investigative audits where the work is of the most critical and sensitive nature; perform unusually difficult, complex, and/or sensitive aspects of investigative audit work and/or review reports; ensure and hold ultimate responsibility for the accuracy and quality of supporting documents and investigative reports; oversee the daily activities of the investigative unit; recruit, select, train, and evaluate the work of staff; and advise non-specialist staff and executive management on standards and current trends related to investigating waste, fraud and abuse in state government.

5. What is the decision-making responsibility of the subject classes(es)?

The subject classes are responsible for coordinating all aspects of an investigation.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)?

Investigations mandated by the California Whistleblower Protection Act would not be performed in a timely manner and the appropriate administrative and or law enforcement action may be hindered or made impossible.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents should be able to gather, review, organize, and synthesize a variety of information and draw sound conclusions based on that information.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Incumbents in this series must use sound judgment while interacting with all levels of government. These levels may include program staff to department directors. In addition, incumbents investigate and interview complainants, witnesses, and other persons related to the specific investigation using the utmost tact and sensitivity while conducting their investigative work. During the course of an investigation, they work closely with department staff to obtain necessary information on the issues being investigated. The Fraud Investigator III, BSA will lead meetings with department management to discuss issues, results and recommendations of an investigation.

NEED FOR NEW CLASS (If Necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

Because of the unique nature of the work performed and the broad range of issues that may be the subject of an investigation, the bureau maintains specific classifications for its classifications. Therefore, classifications used elsewhere in state service would not be appropriate.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

The proposed minimum qualifications of the Fraud Investigator I, BSA are:

ALL LEVELS

Education: Equivalent to graduation from college. (Registration as a senior student in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

AND

Fraud Investigator I, BSA

- Six months of experience in California state service performing professional auditing in the Bureau of State Audits at a level equivalent to Auditor Evaluator II, Bureau of State Audits.

Or

- Three years of increasingly responsible experience in investigative work. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to Auditor Evaluator II, Bureau of State Audits for at least six months.)

Fraud Investigator II, BSA

- Two years of experience in California state service performing the duties of Fraud Investigator, Bureau of State Audits or Fraud Investigator I, Bureau of State Audits.

Or

- Four years of increasingly responsible experience in investigative work. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to Fraud Investigator, Bureau of State Audits or Fraud Investigator I, Bureau of State Audits for a period of at least two years.)

Fraud Investigator III, Bureau of State Audits

- One year of experience in California state service performing the duties of Supervising Fraud Investigator, Bureau of State Audits or Fraud Investigator II, Bureau of State Audits.

Or

- Broad, extensive (more than five years) and increasingly responsible experience in performing professional auditing with at least three years experience in investigative work, one year of which must have been in a supervisory or administrative capacity. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to Supervising Fraud Investigator, Bureau of State Audits or Fraud Investigator II, Bureau of State Audits, for a period of at least one year.)

PROBATIONARY PERIOD ☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

The existing classes of Fraud Investigator, BSA and Supervising Fraud Investigator, BSA currently require a 12 month probationary period. The newly established classification of Fraud Investigator III, BSA will similarly require a 12-month probationary period.

STATUS CONSIDERATIONS (See additional information in Part D.)

12. What is the impact on current incumbents?

There will be no negative impact on the current incumbents. They will be reallocated into the appropriate classification. The Fraud Investigator, BSA will be re-allocated to the Fraud Investigator I, BSA classification. The Supervising Fraud Investigator, BSA will be reallocated to the Fraud Investigator II, BSA classification.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain the rationale.

An examination will be administered for the Fraud Investigator III, BSA.

CONSULTED WITH:

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal?

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

FRAUD INVESTIGATOR, BUREAU OF STATE AUDITS
Series Specification
(Established May 4, 1993)

SCOPE

This series specification describes ~~two~~ three Fraud Investigator classifications used within the Bureau of State Audits. ~~in the investigation~~ These classes are used for positions that are responsible for the administration of the California Whistleblower Protection Act. Incumbents in this series conduct, supervise, and manage investigations of improper governmental activities involving violations of State ~~and~~ or federal law by State employees, as well as fraud, waste and abuse in State government.

This classification series is available for use only at the Bureau of State Audits. Entry into this series is typically at the Auditor II, Bureau of State Audit, classification.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
JC85	4095	Fraud Investigator <u>I</u> , Bureau of State Audits
JC86	4096	Supervising Fraud Investigator <u>II</u> , Bureau of State Audits
JC87	4097	<u>Fraud Investigator III, Bureau of State Audits</u>

DEFINITION OF SERIES

~~Fraud Investigators within the Bureau of State Audits make decisions and provide advice on varied and difficult investigations to determine compliance with applicable statutes and regulations; perform investigations involving fraud, waste and abuse in State Government, including mismanagement, improper personnel practices, abuse of State resources and misuse of time and attendance. Investigations are usually sensitive and always confidential and may involve cases of sexual harassment, theft, embezzlement and abuse of authority. Positions in this series may prepare cases and appear in administrative or court hearings; act over assigned subordinate staff conducting investigations; determine case status; insure production; provide advice and assistance; review the final product and recommend disposition of the case.~~

Fraud Investigators within the Bureau of State Audits (bureau) conduct investigations based on allegations of improper governmental activities. Positions in this series gather evidence, conduct interviews, draw sound conclusions, and write reports based on the results of these investigations. Investigations must be conducted confidentially and often address extremely sensitive matters or issues. Incumbents in this series function as expert investigators and are required to be knowledgeable on an expansive range of subject matter relating to State and federal laws, State government operations, and investigative techniques. Positions in this series direct assigned subordinate staff conducting investigations; assess case status and make recommendations about investigative strategy; provide information to law enforcement and other officials, as appropriate; provide advice, training, and assistance to subordinate staff; and review the final product to ensure quality and accuracy.

ENTRY LEVEL

Entry into this series is typically at the Auditor Evaluator II, Bureau of State Audits, classification.

FACTORS AFFECTING POSITION ALLOCATION

Independence of actions and decisions; consequence of error; supervision received or exercised; complexity, variety, and sensitivity of assignments; and type of contacts.

DEFINITION OF LEVELS

FRAUD INVESTIGATOR I, BUREAU OF STATE AUDITS

~~This is the full journey person level in the series. Under close supervision, direction, incumbents receive formal and on the job training to learn the full range of investigative work. As a full journey level investigator, incumbents independently conduct the most sensitive, complex, and diverse investigations of improper governmental activities involving fraud, waste and abuse in State Government; may act in a lead capacity to direct or review the work of lower level staff performing complaint intake and case predication on complex complaints; assist in program or policy development and interpretation; and may have independent responsibility to oversee an entire investigation. investigations of improper governmental activities involving fraud, waste and abuse in State Government.~~

This is the journey person level in the series. Under supervision, incumbents receive formal and on the job training to learn the full range of investigative work and techniques. The incumbents are assigned a wide variety of investigative complaints with varying complexity. With increased experience and knowledge incumbents, under

general supervision, handle sensitive, complex, and diverse investigative complaints of improper governmental activities. Incumbents perform complaint intake, assess complaints, gather evidence, conduct interviews, draw defensible conclusions, and assist in writing reports based on the results of their investigations. In addition, incumbents prepare correspondence related to investigative work. Incumbents assist in program or policy development and interpretation; and may have independent responsibility to oversee portions of an investigation.

SUPERVISING FRAUD INVESTIGATOR II, BUREAU OF STATE AUDITS

~~This is the working supervisory level in the series. Under the general direction of the Fraud Investigator III, BSA, incumbents train, evaluate, plan, organize and supervise direct a staff of investigators; provide assistance to high level staff in the development of policies and procedures; participate in the most difficult or confidential investigations; may assist in planning, developing, and directing a major component of an investigative program; write investigative audit reports and prepare correspondence and .the fraud investigation program within the Bureau of State Audits; participate in the most difficult or confidential investigations; provide advice to Bureau management concerning fraud investigations.~~

This is the advanced journeyperson level in the series. Under the direction of the Fraud Investigator III, Bureau of State Audits, incumbents conduct the most sensitive, complex, and diverse investigations of improper governmental activities. Incumbents demonstrate strong analytical abilities and a comprehensive understanding and appropriate application of a wide range of investigative techniques and strategies. The Fraud Investigator II, Bureau of State Audits, provides assistance to bureau staff in the development of policies and procedures; participates in the most difficult and/or confidential investigations; assists in planning, developing, and directing components of an investigative program; and writes and ensures accuracy of investigative audit reports and prepares highly sensitive correspondence. Incumbents provide advice to bureau management concerning all aspects of fraud investigations. Incumbents may occasionally act in a lead capacity, supervising the work of Fraud Investigator I, Bureau of State Audits, and other subordinate staff.

FRAUD INVESTIGATOR III, BUREAU OF STATE AUDITS

This is the full supervisory/managerial and highest level in the series. Under the general direction of the Deputy State Auditor, incumbents are responsible for the bureau's investigative unit function; supervise four to ten staff members; assign priorities and develop specific work plans and workload requirements; and assist in

the development and administration of policies and procedures. Incumbents plan, develop, and direct the investigative program; manage highly complex investigative audits where the work is of the most critical and sensitive nature; perform unusually difficult, complex, and/or sensitive aspects of investigative audit work and/or review reports; ensure and hold ultimate responsibility for the accuracy and quality of supporting documents and investigative reports; oversee the daily operations of the investigative unit; recruit, select, train, and evaluate the work of staff assigned; and advise nonspecialist staff and executive management on standards and current trends related to investigating waste, fraud, and abuse in State government.

MINIMUM QUALIFICATIONS

ALL LEVELS:

Education: Equivalent to graduation from college. (Registration as a senior student in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

FRAUD INVESTIGATOR I, BUREAU OF STATE AUDITS

Either I

~~One year~~ Six months of experience in the California state service performing professional auditing in the Bureau of State Audits at a level equivalent to an Auditor Evaluator II, Bureau of State Audits,
~~Range B.~~

Or II

Experience: Three years of experience in investigative work. (Experience in the California state service applied toward this requirement must be include at least six months at the level of responsibility equivalent to an Auditor Evaluator II, Bureau of State Audits.) and

~~Education: Equivalent to graduation from college. (Additional qualifying experience may be substituted for the required education on a year for year basis.)~~

SUPERVISING FRAUD INVESTIGATOR II, BUREAU OF STATE AUDITS

Either I

Two years of experience in the California state service performing the duties of a Fraud Investigator, Bureau of State Audits, or a Fraud Investigator I, Bureau of State Audits.

Or II

Four years of increasingly responsible experience in investigative work, ~~one year of which must have been in a supervisory or administrative capacity.~~ (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to Fraud Investigator, Bureau of State Audits, or Fraud Investigator I, Bureau of State Audits, for a period of at least two years.)

FRAUD INVESTIGATOR III, BUREAU OF STATE AUDITSEither I

One year of experience in the California state service performing the duties of a Supervising Fraud Investigator, Bureau of State Audits, or a Fraud Investigator II, Bureau of State Audits.

Or II

Broad, extensive (more than five years), and increasingly responsible experience in performing professional auditing with at least three years experience in investigative work, one year of which must have been in a supervisory or administrative capacity. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to a Supervising Fraud Investigator, Bureau of State Audits, or Fraud Investigator II, Bureau of State Audits, for a period of at least one year.)

KNOWLEDGE AND ABILITIESFRAUD INVESTIGATOR I, BUREAU OF STATE AUDITS

Knowledge of: Provisions of the California Whistleblower Protection Act; general auditing and investigative principles and techniques, practices, procedures, and terminology; State law relating to improper governmental activities, general laws, and regulations related to State fiscal, personnel, and administrative practices; and techniques of audit and investigative work.

Ability to: Apply the ~~Improper Governmental Activity and related statutes~~ applicable laws and regulations to specific cases; conduct ~~difficult~~ a wide range of investigations applying appropriate investigate techniques; prepare effective and adequate evidence; analyze the records, accounts, and documents of State departments; communicate effectively; ~~direct the work of others~~; and analyze situations accurately and adopt an effective course of action.

SUPERVISING FRAUD INVESTIGATOR II, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and the organization and function of the Fraud Investigation unit within the Bureau of State Audits; principles and techniques of personnel management and supervision; the bureau's Equal Employment Opportunity Affirmative Action Program objectives; and a supervisor's role in the Equal Employment Opportunity Affirmative Action Program and the processes available to meet equal employment opportunity affirmative action objectives.

Ability to: Apply the required knowledge; and plan, organize, and direct the work assist in directing complex investigations; analyze situations accurately and take effective action; prepare, management reports review, and edit written investigative reports and correspondence; conduct conferences and interviews; understand how written laws and policies relate to the Fraud Investigation unit; implement training programs for subordinate staff; develop the skills and abilities of subordinate staff; make sound decisions to accomplish bureau goals; and effectively contribute to the bureau's equal employment opportunity affirmative action objectives.

FRAUD INVESTIGATOR III, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and techniques and methods involved in administering investigative programs and the implementation of training programs for investigative and other staff; group leadership techniques; program planning, development, and evaluation; principles and practices of project management and coordination; applications of organizational and management theory; and a manager's responsibility for promoting equal employment opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: All of the above; and plan, organize, and manage the investigative efforts of the bureau; employ sound management principles; formally present information regarding the provisions of the California Whistleblower Protection Act to various groups; work effectively with top-level managers of State agencies and other organizations; establish and maintain project priorities; assess staff performance; and effectively promote equal employment opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL REQUIREMENTS

ALL LEVELS:

Willingness to travel, work away from the headquarters' office, and work long and irregular hours.

ADDITIONAL DESIRABLE QUALIFICATIONS

FRAUD INVESTIGATOR II, BUREAU OF STATE AUDITS AND ABOVEPossession of a valid certificate for Certified Fraud Examiner (CFE).CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Fraud Investigator, Bureau of State Audits	5/4/93	--	--
Supervising Fraud Investigator, Bureau of State Audits	5/4/93	--	--
<u>Fraud Investigator III, Bureau of State Audits</u>	<u> </u>	<u> </u>	<u> </u>

To: STATE PERSONNEL BOARD

FROM: ELAINE M. HOWLE, State Auditor

REVIEWED BY:

SUBJECT: Proposed Revision of the Auditor, Bureau of State Audits Series Specification

SUMMARY OF ISSUES:

As California's independent auditor, the Bureau of State Audits (bureau) continues to respond to the demands of the Legislature to quickly produce audits that enable the Legislature to carry out its oversight responsibilities. Through the Joint Legislative Audit Committee, the Legislature increasingly relies on the bureau to perform highly complex audits on a wide variety of subjects. In addition, the bureau has a statutory requirement to conduct the federally required Single Audit on an annual basis. As a part of that requirement, the bureau audits the financial statements of the State of California. Bond rating companies, such as Standard & Poor's, rely on these audits when rating California's general obligation bonds. The bureau also performs the federal compliance component of the Single Audit, which is a prerequisite to California's receipt of approximately \$70 billion in federal funds each year.

Over the past several years, however, the bureau has had a difficult time recruiting, and more recently, retaining, qualified staff to perform these audits. The bureau cannot continue to lose experienced staff at the current rate without sacrificing its ability to produce timely audits. Journey and senior level auditors have found employment elsewhere in state service, local government, and in the private sector where there is greater potential for upward salary movement.

Finally, the current classification series no longer reflects the complexity of issues, the full spectrum of duties, and changes in responsibilities of staff at the Senior Auditor, Bureau of State Audits level.

For these reasons, the bureau is proposing to revise the classification plan of the Auditor, Bureau of State Audits classification series. This proposed revision would allow the bureau to be more competitive in recruiting and retaining qualified staff.

Employees at the Bureau of State Audits are excluded from collective bargaining.

CONSULTED WITH:

Steve Hendrickson, Chief Deputy State Auditor, Bureau of State Audits
 Sharon Reilly, Chief Legal Counsel, Bureau of State Audits
 Debbie Meador, Special Assistant State Auditor, Bureau of State Audits
 Kim Anderson, Deputy State Auditor, Bureau of State Audits
 Phil Jelich, Deputy State Auditor, Bureau of State Audits
 Sylvia Hensley, Deputy State Auditor, Bureau of State Audits
 Donna Neville, Senior Staff Counsel, Bureau of State Audits

CLASSIFICATION CONSIDERATIONS:

See Attached Proposal

RECOMMENDATIONS:

1. That the following classes be established; the proposed specifications for these classes as shown in this calendar be adopted; and the probationary periods be as specified below:

<u>Class</u>	<u>Probationary Period</u>
Senior Auditor Evaluator I, Bureau of State Audits	12 Months
Senior Auditor Evaluator II, Bureau of State Audits	12 Months
Senior Auditor Evaluator III, Bureau of State Audits	12 Months

2. That footnote 24 be applied to the class of Senior Auditor Evaluator, Bureau of State Audits to prevent further appointments to this class and to designate that it is to be abolished when it becomes vacant.
3. That the proposed revised specification for the class of Principal Auditor, Bureau of State Audits as shown in this calendar be adopted.
4. That the following resolution be adopted:

WHEREAS, the State Personnel Board on [date] established the classifications of Senior Auditor Evaluator I, Bureau of State Audits, Senior Auditor Evaluator II,

Bureau of State Audits, and Senior Auditor Evaluator III, Bureau of State Audits;
Therefore be it

RESOLVED, that the class of Senior Auditor Evaluator I, Bureau of State Audits, Senior Auditor Evaluator II, Bureau of State Audits and Senior Auditor Evaluator III, Bureau of State Audits be established; and the proposed specifications for the class as shown in this calendar be adopted; and the probationary period be 12 months.

WHEREAS, the State Personnel Board on [date] established the classes indicated below in Column II; and the duties and responsibilities of these classes were substantially included in the previously existing classes indicated below in Column I; Therefore be it

RESOLVED, that any person **in the Bureau of State Audit** with civil service status in the class indicated below in Column I on (date of SPB board meeting) holding a position which is classified as performing the duties of one of the corresponding classes indicated in Column II shall be reallocated to the appropriate class in Column II and shall be deemed to have the same civil service status in the corresponding classes indicated in Column I without further examination:

Column I

Senior Auditor Evaluator,
Bureau of State Audits, Range A

Senior Auditor Evaluator,
Bureau of State Audits, Range B

Column II

Senior Auditor Evaluator I,
Bureau of State Audits

Senior Auditor Evaluator II,
Bureau of State Audits

RESOLVED, that any existing employment lists other than reemployment lists established for the class indicated in Column I shall be used to certify to fill vacancies in the class indicated in Column II until such lists are abolished, exhausted, or superseded by lists for classes indicated in Column II, and persons on any existing reemployment lists for the class indicated in Column I shall also be placed on reemployment lists for the class indicated in Column II until expiration of their eligibility on the reemployment lists for the classes indicated in Column I.

Column I

Senior Auditor Evaluator,
Bureau of State Audits, Range A

Column II

Senior Auditor Evaluator I
Bureau of State Audits

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) is approved by DPA. Include headings (Background, Classification Considerations etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal.) Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The Bureau of State Audits' goal is to promote the efficient operation of government through the performance of independent, objective audits. The bureau is committed to delivering unbiased, accurate, timely and insightful information, and is dedicated to bridging the gap between perception and reality for quality government decision-making. The bureau is the only independent entity in State government qualified to provide a wide range of assessment and evaluation services that go beyond what is traditionally known as an audit. These services include reviews of contracting practices, comprehensive performance audits, financial viability assessments, evaluations of State charges, as well as traditional financial audits and investigations. Through three primary types of audits and evaluations—performance, financial, and compliance—and specialty assessments and investigations, the bureau finds solutions to critical issues. Audits are typically initiated in the following ways: as mandated by federal or state law, at the request of the Joint Legislative Audit Committee, or at the discretion of the State Auditor.

Performance audits are the most complex type of audit the bureau performs as they focus not only on the traditional notions of audit boundaries that simply provide an assessment of past activities, but also on an expanded definition of auditing that is more future-looking and performance oriented. The bureau not only reports the facts, its independent assessments also address current dilemmas, relevant issues, and future directions and strategies. Effective management of the bureau's workload relies on a highly synchronized approach that combines audit methodology with a high level of skill, knowledge, and experience to result in insightful analysis and innovative recommendations for improvements in public policy. Also, performance audits are generally conducted under rigorous deadlines and require intensive coordination. Legislators requesting these audits demand current, objective, accurate, and timely information to provide the basis for informed legislative decisions. Therefore, it is essential that the bureau perform its audits expeditiously.

The current specification for Senior Auditor Evaluator, BSA, Range A and B, state that the incumbents at this level are advanced specialists and as they progress, they may provide lead direction or function as a team leader during a single assignment. Prior to 1999, this classification had been two separate classifications, Staff Auditor, BSA and Supervising Auditor, BSA. It was thought at the time that there was a greater need for high-level audit specialists and a lesser need for mid-level supervisors. Functionally, this model has not worked for the bureau. Because of the subject matter variety, complexity, and tight timeframes of audits assigned, it is evident that supervisory components are required to proficiently complete all types of audits. Specifically, depending on the type of audit being performed, two levels of supervision are required. The highest-level supervisor will be the proposed Senior Auditor Evaluator III, BSA classification. Incumbents in this class will be assigned to supervise the most complex,

high profile, and time sensitive performance audits. They must also have the knowledge and experience to be able to supervise at least one of the other two types of audits the bureau performs. Incumbents in the Senior Auditor Evaluator II, BSA, classification will supervise at least one of the three types of audits the bureau performs.

The current specification series indicates the Principal Auditor, BSA is a supervisory level. In actuality, the Principal Auditor, BSA performs at a managerial level. The purpose of this request is to update the Auditor, BSA classification specifications to reflect duties at the appropriate levels.

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

The Senior Auditor Evaluator I, BSA, will report to the Senior Auditor Evaluator, II or III, BSA classification and on occasion may report directly to the Principal Auditor, BSA. The Senior Auditor Evaluator II and III, BSA classifications will report to a Principal Auditor, BSA. The Principal Auditor, BSA reports directly to a Deputy State Auditor.

3. Will the subject class(es) supervise? If so, what classe(es)?

Yes, the Senior Auditor Evaluator I, II and III, BSA, will supervise Auditor Evaluator I and II, BSA classifications. Additionally, the Senior Auditor Evaluator II and III, BSA classifications will supervise the Senior Auditor Evaluator I, BSA classification when the latter functions as a team member. The Principal Auditor, BSA classification will manage the Senior Auditor Evaluator II and III, BSA classifications and on occasion will manage the Senior Auditor Evaluator I, BSA classification.

4. What are the specific duties of the subject class(es)?

The Senior Auditor Evaluator I, BSA is the advanced specialist in the series. Under direction, incumbents may act as an audit team member, performing the most difficult or complex audit analyses or procedures; as the leader on a segment of a large audit or in the absence of the team leader; or as the team leader supervising one to two staff on a small audit, reporting directly to the Principal Auditor.

The Senior Auditor Evaluator II, BSA will be the full supervisory level in this series. Under general direction, incumbents supervise three to four staff. Incumbents may specialize in one or more of the three types of audits the bureau performs: performance, financial, or compliance.

The Senior Auditor Evaluator III, BSA will be the advanced supervisory level in the series. Incumbents typically supervise three to six staff and excel in performance audits and at least one of the other two types of audits the bureau performs. Incumbents in this range must demonstrate the ability to direct large and complex audits, direct large audit teams, and meet tight timeframes while requiring less direction from the Principal Auditors than the other classifications in this series.

The Principal Auditor, BSA manages multiple audits with teams of two to six staff members. Incumbents develop and interpret uniform policies, programs, and practices for the administration of the audit program and provide management advice to the Legislature and top-level administrative authorities within State departments. Incumbents also testify before legislative committees, respond to press calls, and represent

the Bureau of State Audits at meetings of national, state, and professional organizations, and may also act as a project coordinator for consultants or subject matter experts.

5. What is the decision-making responsibility of the subject classes(es)?

The subject classes coordinate all aspects of an audit. In this role, they have the primary responsibility for ensuring that all of the work on their assignment is performed in accordance with auditing standards and in a timely manner. Therefore, they must decide how to conduct the audit and ensure the appropriateness of the methodologies, tests, and conclusions for any work performed.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)?

For the period of July 1, 2001 through December 31, 2005, the bureau estimates that auditees could realize \$741 million of monetary benefits if they implemented the bureau's recommendations. This translates to an average return of about \$14 for every dollar invested in the State Auditor's office over the past 4½ fiscal years. For the same time period, the bureau has issued 123 performance audits. The bureau also conducts financial-related audits, including the annual Single Audit required by federal law as a condition of receiving federal funds. The Single Audit is composed of two parts—the federal compliance audit which covered 93.7 percent or \$64 billion out of \$68.4 billion federal dollars in fiscal year 2003-04 and the audit of State's financial statements, which reported \$195 billion in expenditures for fiscal year 2003-04.

If the bureau is not able to retain its most experienced and talented auditors and provide the appropriate level of supervision to staff, the bureau will not be able to continue to staff and conduct audits that ultimately save the state millions of dollars. The state's failure to obtain a timely Single Audit could have a negative impact on state bonds and its ability to receive billions in federal funding each year.

Finally, in legislation that became effective January 1, 2005, the bureau was granted authority to establish a high-risk government agency audit program to identify agencies that are at a high risk for potential waste, fraud, abuse, and mismanagement or that have major challenges associated with its economy, efficiency, or effectiveness. The bureau has been working on establishing the program, but without the ability to recruit and retain additional staff, it is less likely that the bureau will be able to implement this program.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents should be able to review and analyze state and federal laws, regulations, and program data, as well as accounting records. The incumbents should also be able to analyze, organize, and synthesize a variety of information into supported audit findings, logical conclusions, and recommendations.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

In a supervisory capacity, the Senior Auditor Evaluator I, II, and III, BSA must interact with multiple levels of government, from program staff to department directors, and the public. During the course of an audit, they will work closely with program staff to obtain all of the necessary information on the auditing issues. The incumbents will then lead meetings with department management to discuss the results of the audits and any recommendations.

Principal Auditors interact with the Legislature, the Governor's office, top-level administrative authorities within state and federal departments, contractors, subject-matter experts, and members of the press.

NEED FOR NEW CLASS (If Necessary)

9. For New classes only: what existing classes were considered and why were they not appropriate?

The State Auditor has a statutory obligation to consider that the level of education, experience, knowledge and ability required of employees of the bureau is generally higher than that required elsewhere in state service. Consequently, because of the unique nature of the work performed, the bureau maintains specific classifications for our auditing classifications. Therefore, classifications used elsewhere in state service would not be appropriate. The specification for the Auditor classification series is being updated to correctly reflect the unique operations of the bureau.

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

The proposed minimum qualifications of the Senior Auditor classifications are:

ALL LEVELS

Education: Equivalent to graduation from college. (Registration as a senior student in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

And

Senior Auditor Evaluator I, BSA (the same as current Senior Auditor Evaluator, BSA, range A.)

- Six months of experience in California state service performing duties at a level equivalent to Auditor Evaluator II, Bureau of State Audits.
- Or
- Three years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

Senior Auditor Evaluator II, BSA

- One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator I, Bureau of State Audits, or the former class of Senior Auditor Evaluator, BSA, range A.
- Or
- Four years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the

United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

Senior Auditor Evaluator III, BSA

- One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator II, BSA or the former class of Senior Auditor Evaluator, BSA, range B.

Or

- Five years of professional experience in government, commercial, or public auditing in accordance with “Government Auditing Standards” published by the Comptroller General of the United States. This experience must include work in performance audits and either financial or compliance audits.

Principal Auditor, BSA

- One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator III, BSA or two years experience performing duties at a level equivalent to the former class of Senior Auditor Evaluator, BSA, range B.

Or

- Broad and extensive (more than five years) professional auditing experience in government, commercial, or public auditing in accordance with “Government Auditing Standards” published by the Comptroller General of the United States, including at least two years of experience in the direction of a large, complex, independent, and comprehensive audit program. This experience must include performance audits and financial or compliance audits. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to a Senior Auditor Evaluator III, BSA for a period of at least one year.)

PROBATIONARY PERIOD ☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

The previous subject class of Senior Auditor Evaluator, BSA currently requires a 12-month probationary period. The newly established classes of Senior Auditor Evaluator I, II, and III, BSA will similarly require a 12-month probationary period.

STATUS CONSIDERATIONS (See additional information in Part D.)

12. What is the impact on current incumbents?

There will be no negative impact on the current incumbents. The Bureau of State Audit incumbents will be reallocated into the appropriate classification: Senior Auditor Evaluators, BSA, range A, will be reallocated to Senior Auditor Evaluator I, BSA; Senior Auditor Evaluators, BSA, range B, will be reallocated to Senior Auditor Evaluator II, BSA.

The class series Auditor, Bureau of State Audits has been developed to specifically meet the organizational needs of the Bureau of State Audits, and should be used only within the Bureau of State Audits. Any incumbents from other departments currently in the Auditor, Bureau of State Audits classification will not move by reallocation to the new classifications. For the time being they will remain in their current classification and Range while the Department of Personnel Administration works with the department(s) to identify an appropriate course of action.

A Footnote 24 will be added to the Senior Auditor Evaluator classification to prevent future appointments to the classification and to abolish it when it becomes vacant.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain the rationale.

An examination will be administered for the Senior Auditor Evaluator III, BSA classification.

The Bureau of State Audit incumbents will be reallocated into the appropriate classification: Senior Auditor Evaluators, BSA, range A, will be reallocated to Senior Auditor Evaluator I, BSA; Senior Auditor Evaluators, BSA, range B, will be reallocated to Senior Auditor Evaluator II, BSA.

Incumbents from other departments in the Senior Auditor Evaluator, Bureau of State Audits, Range A and Senior Auditor Evaluator, Bureau of State Audits, Range B will remain in their current classification and Range for the time being. The Department of Personnel Administration will work with the department(s) to identify an appropriate course of action.

CONSULTED WITH:

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal?

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CALIFORNIA STATE PERSONNEL BOARD
SPECIFICATION

AUDITOR, BUREAU OF STATE AUDITS
Series Specification
(Established May 4, 1993)

SCOPE

This series specification describes ~~four~~ six Auditor classifications used within the Bureau of State Audits in the conduct, supervision, or management of the annual Single Audit of the State of California as well as statewide performance audits and program reviews of State organizations, local agencies, special districts, ~~and~~ school districts ~~that receive State funds, and any other publicly created entity.~~

This series is available for use only in the Bureau of State Audits. Entry into this series at the Auditor Evaluator I level is typically from outside State service.

<u>Schem</u> <u>Code</u>	<u>Class</u> <u>Code</u>	<u>Class</u>
JC73	4088	Auditor Evaluator I, Bureau of State Audits
JC74	4089	Auditor Evaluator II, Bureau of State Audits
JC76	4092	Senior Auditor Evaluator, Bureau of State Audits
JC77	4093	<u>Senior Auditor Evaluator I, Bureau of State Audits</u>
JC79	4105	<u>Senior Auditor Evaluator II, Bureau of State Audits</u>
JC81	4111	<u>Senior Auditor Evaluator III, Bureau of State Audits</u>
JC78	4094	Principal Auditor, Bureau of State Audits

DEFINITION OF SERIES

Auditors within the Bureau of State Audits, in accordance with industry standards and governmental audit standards as promulgated by the Comptroller General of the United States, gather and document audit evidence; determine the highest and best source of evidence; observe and document agency procedures and practices; interview personnel at all levels of audited agencies; obtain relevant program information and statistical data through manual or computer-assisted techniques; develop relevant information through statistical sampling and quantitative analysis performed manually or by using various database and electronic spreadsheet software packages; prepare work papers to document work performed and to provide the basis for findings and recommendations; and prepare written reports. Positions in this series obtain and interpret relevant and authoritative criteria for the program or issues under audit to develop comparable criteria from authoritative methods and computerized databases and software packages; test data to verify its accuracy, completeness, and timeliness and develop possible causes of agency problems; draw conclusions and develop feasible and cost-effective recommendations

concerning identified weaknesses or problems based on an objective and independent evaluation of evidence; assess the audited agency's compliance with relevant laws, regulations, and requirements; independently conduct quality control reviews of reports or other materials used in audits; present audit-related information at meetings and conferences with the Bureau of State Audits and audited entities, the Legislature, and other interested parties.

Auditors assigned to financial and compliance audits perform audit procedures to determine whether State, financial, and program-related information is presented in accordance with generally accepted accounting principles; participate in producing audited financial statements including all relevant disclosures; and provide an independent assessment of the State's compliance with applicable federal laws and regulations.

ENTRY LEVEL

Entry into this series is typically at the Auditor Evaluator I, Bureau of State Audits, classification.

FACTORS AFFECTING POSITION ALLOCATION

Independence of actions and decisions; consequence of error; supervision received or exercised; complexity, variety, and sensitivity of assignments; and type of contacts.

DEFINITION OF LEVELS

AUDITOR EVALUATOR I, BUREAU OF STATE AUDITS

This is the recruiting, training, and development level of the series. Under supervision, incumbents assist in the planning, data gathering, and analytical tasks associated with audits. Incumbents may also assist in the completion of a segment of an audit.

AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS

This is the journey level of the series. Under general supervision, incumbents participate in the planning, data gathering, and analytical tasks associated with audits. Incumbents also assist in the completion of a segment of an audit.

SENIOR AUDITOR EVALUATOR, BUREAU OF STATE AUDITS

This is the advanced specialist in the series. Under direction, incumbents are either responsible for the completion of a segment of an audit or an entire small audit. As they progress, they may complete one or more multiple audits, with teams of one to six team members. Incumbents provide lead direction or function as a team leader during a single assignment. Specialists at this level provide consultation on specific areas or program issues and may serve as a team member on complex audits.

SENIOR AUDITOR EVALUATOR I, BUREAU OF STATE AUDITS

This is the advanced specialist in the series. Under direction, incumbents may act as an audit team member, performing the most difficult or complex audit analyses or procedures; as the leader on a segment of a large audit or in the absence of the team leader; or as the team leader supervising one to two staff on a small audit, reporting directly to the Principal Auditor, Bureau of State Audits.

SENIOR AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS

This is the full supervisory level in this series. Under general direction, incumbents typically supervise three to four staff. Incumbents may specialize in one or more of the three types of audits the bureau performs: performance, financial, or compliance.

SENIOR AUDITOR EVALUATOR III, BUREAU OF STATE AUDITS

This is the advanced supervisory level in the series. Incumbents typically supervise three to six staff and excel in planning and directing performance audits and at least one of the other two types of audits the bureau performs. Incumbents in this classification must demonstrate the ability to supervise, plan, direct, and conduct large and complex audits, direct large audit teams, and meet tight timeframes while requiring less direction from Principal Auditors, Bureau of State Audits, than the other classifications in this series.

PRINCIPAL AUDITOR, BUREAU OF STATE AUDITS

This is the ~~supervisory~~ managerial and highest level in the series. Incumbents ~~supervise one or more~~ manage multiple audits with teams of ~~one two~~ to six staff members. Incumbents, under general direction of the Deputy State Auditor, develop and interpret uniform policies, programs, and practices for the administration of the audit program and provide management advice to the Legislature and top-level administrative authorities within State departments. Incumbents also testify before legislative committees, respond to press calls, and

represent the Bureau of State Audits at meetings of national, State, and professional organizations.

MINIMUM QUALIFICATIONS

ALL LEVELS:

Education: Equivalent to graduation from college. (Registration as a senior student in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

AUDITOR EVALUATOR I, BUREAU OF STATE AUDITS

Either I

Education: Equivalent to (1) a Master's Degree in Business, Accounting, Public Administration, or Public Policy; (2) a master's degree in a related field that is strong in quantitative analysis with at least nine semester units of college level course work in quantitative subjects such as statistics and economics; or (3) a graduate law degree and nine semester units of college level course work in quantitative subjects such as statistics and economics.

Or II

Education: Equivalent to graduation from college with completion of a minimum of 39 semester units of business-related course work which shall include the following: six units of professional accounting courses, or six units of economics courses, or six units of financial management; nine units of related quantitative subjects, such as mathematics or statistics; and six units in written or oral communications. (Business-related course work in real estate, marketing, or human resource management may not be counted as part of the 39 total units.)

AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS

Either I

Education: Either of the two educational levels described for the Auditor Evaluator I, Bureau of State Audits.

and

Experience: Thirty (30) months of professional experience in government, commercial, or public auditing in accordance with the "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

Or II

Experience: Six months of experience in the California state service performing duties at a level equivalent to an Auditor Evaluator I, Bureau of State Audits, Range B.

SENIOR AUDITOR EVALUATOR, BUREAU OF STATE AUDITS

Either I

Experience: Six months of experience in the California state service performing duties at a level equivalent to an Auditor Evaluator II, Bureau of State Audits.

Or II

Experience: Three years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

SENIOR AUDITOR EVALUATOR I, BUREAU OF STATE AUDITSEither I

Experience: Six months of experience in the California state service performing duties at a level equivalent to an Auditor Evaluator II, Bureau of State Audits.

Or II

Experience: Three years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

SENIOR AUDITOR EVALUATOR II, BUREAU OF STATE AUDITSEither I

Experience: One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator I, Bureau of State Audits, or the former class of Senior Auditor Evaluator, Bureau of State Audits, Range A.

Or II

Experience: Four years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in at least two of the following types of audits: financial, performance, or compliance.

SENIOR AUDITOR EVALUATOR III, BUREAU OF STATE AUDITSEither I

Experience: One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator II, Bureau of State Audits, or the former classification of Senior Auditor Evaluator, Bureau of State Audits, Range B.

Or II

Experience: Five years of professional experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States. This experience must include work in performance audits and financial or compliance audits.

PRINCIPAL AUDITOR, BUREAU OF STATE AUDITSEither I

Experience: ~~Two years~~ One year of experience in the California state service performing duties at a level equivalent to a Senior Auditor Evaluator III, Bureau of State Audits, ~~Range B~~ or two years of experience performing the duties of the former class of Senior Auditor Evaluator, Bureau of State Audits, Range B.

Or II

Experience: Broad and extensive (more than five years) professional auditing experience in government, commercial, or public auditing in accordance with "Government Auditing Standards" published by the Comptroller General of the United States, including at least two years of experience in the direction of a large, complex, independent, and comprehensive audit program. This experience must include experience with performance and financial, ~~performance~~, or compliance audits. (Experience in the California state service applied toward this requirement must be performing the duties of a class at a level of responsibility equivalent to a Senior Auditor Evaluator III, Bureau of State Audits, ~~Range B~~ for a period of at least ~~two years~~ one year.)

KNOWLEDGE AND ABILITIESAUDITOR EVALUATOR I, BUREAU OF STATE AUDITS

Knowledge of: General accounting and auditing principles and procedures; principles and practices of organizational management including planning, organizing, accounting, auditing, and quantitative analysis methods; research and information-gathering techniques; and basic principles and practices of descriptive and inferential statistics.

Ability to: Apply the required knowledge; review and analyze State and Federal laws, regulations, and program data; review and analyze accounting records; learn and apply "Government Auditing Standards" prescribed by the Comptroller General of the United States ~~Federal Government~~ and standards of the auditing profession; review management and other related controls over financial data; conduct effective interviews with auditee's staff at all levels; gain and maintain the confidence and cooperation of those contacted; analyze, organize, and synthesize a variety of information into supported audit findings and logical recommendations; effectively incorporate use of microcomputers in performing audit and investigative tasks; prepare clear, complete, and concise reports; and communicate effectively.

AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS

Knowledge of: All of the above.

Ability to: All of the above, and apply the concepts of "Government Auditing Standards" as published by the Comptroller General of the United States.

SENIOR AUDITOR EVALUATOR, BUREAU OF STATE AUDITS

Knowledge of: All of the above, and functions, organization, and practices of California government, "Government Auditing Standards" as prescribed by the Federal Government, and standards of the profession; operations, procedures, and work standards of the office; legislative committee organization, structure, functions, and procedures; formal and informal aspects of the legislative process; and the operation and reporting of other State and Federal audit organizations.

Ability to: All of the above, and apply the required knowledge; clearly define audit objectives; develop approaches and methodologies to meet audit objectives; and identify controversial or sensitive issues affecting the audit.

SENIOR AUDITOR EVALUATOR I, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and functions, organization, and practices of California government, "Government Auditing Standards" as prescribed by the Comptroller General of the United States, and standards of the profession; principles and practices of employee supervision, development, and training; operations, procedures, and work standards of the office; legislative committee organization, structure, functions, and procedures; formal and informal aspects of the legislative process; the operation and reporting of other State and federal audit organizations; the bureau's Equal Employment

Opportunity Program objectives; and a supervisor's role in the Equal Employment Opportunity Program and the processes available to meet equal employment opportunity objectives.

Ability to: All of the above; and apply the required knowledge; clearly define audit objectives; develop approaches and methodologies to meet audit objectives; identify controversial or sensitive issues affecting the audit; assess staff performance and develop the skills and abilities of subordinate staff; make sound decisions to accomplish bureau goals; and effectively contribute to the bureau's equal employment opportunity objectives

SENIOR AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and group leadership techniques; program planning, development, and evaluation; principles and practices of project management and coordination; applications of organizational and management theory; and a supervisors responsibility for promoting equal employment opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: All of the above; and apply the required knowledge; plan, organize, and direct the work of staff engaged in a variety of complex, technical financial, or compliance audits; work effectively with top-level managers of state agencies and other organizations; coordinate, prepare, review, and edit written reports; establish and maintain project priorities; and effectively promote equal employment opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SENIOR AUDITOR EVALUATOR III, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and knowledge of supervision, planning, conducting and directing large, complex performance audits and large and complex financial or compliance audits.

Ability to: All of the above; and ability to apply the required knowledge to effectively supervise, plan, conduct, and direct large and complex performance audits and large and complex financial or compliance audits.

PRINCIPAL AUDITOR, BUREAU OF STATE AUDITS

Knowledge of: All of the above; and the organization and practices of the ~~Legislature~~ Legislative and Executive Branches; principles, practices, and trends of public administration, organization, and management; techniques of organizing and motivating groups; program development and evaluation; methods of administrative

problem solving; personnel management techniques and practices of supervision and staff development and training techniques; administrative goals and policies of the office including the Bureau's Equal Employment Opportunity Program objectives; and a manager's role in the Equal Employment Opportunity Program and the processes available to meet equal employment opportunity objectives.

Ability to: All of the above, ~~and~~ and apply the required knowledge; plan, organize, and direct the work of multidisciplinary professional staff engaged in a variety of complex audits; establish and administer uniform policies and procedures; develop cooperative working relationships with representatives of all levels of government, the public, and the Legislative and Executive Branches; analyze complex problems and recommend effective courses of action; prepare, review, and edit reports; and effectively contribute to the Bureau's equal employment opportunity objectives.

SPECIAL REQUIREMENTS

ALL LEVELS:

Willingness to travel, work away from ~~the headquarters's office~~ headquarters, and work long and irregular hours.

ADDITIONAL DESIRABLE QUALIFICATIONS

ALL LEVELS:

Ability to use word processing and spreadsheet software.

~~PRINCIPAL AUDITOR, BUREAU OF STATE AUDITS~~

SENIOR AUDITOR EVALUATOR II, BUREAU OF STATE AUDITS AND ABOVE:

Possession of a valid certificate to practice as a Certified Public Accountant in California.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>
Auditor Evaluator I, Bureau of State Audits	11/5/97	3/8/05	5/5/99
Auditor Evaluator II, Bureau of State Audits	11/5/97	3/8/05	5/5/99
Senior Auditor Evaluator, Bureau of State Audits	5/4/93	3/8/05	5/5/99
<u>Senior Auditor Evaluator I, Bureau of State Audits</u>	<u> </u>	<u>--</u>	<u>--</u>
<u>Senior Auditor Evaluator II, Bureau of State Audits</u>	<u> </u>	<u>--</u>	<u>--</u>
<u>Senior Auditor Evaluator III, Bureau of State Audits</u>	<u> </u>	<u>--</u>	<u>--</u>
Principal Auditor, Bureau of State Audits	5/4/93	3/8/05	--

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(Cal. 04/18/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and
Technical Resources Division

SUBJECT : Staff Calendar Items for Board Information

NONE PRESENTED